

Deposition of Ralph Van Beck - June 26, 2012

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

THIS DOCUMENT RELATES TO:

AHNERT et al v. CBS CORPORATION et al

Case No. 10-CV-67443

Deposition of RALPH VAN BECK

June 26, 2012

10:38 a.m.

at

Landmark Resort

4929 Landmark Drive

Egg Harbor, Wisconsin

Reported by David J. Sikora, RPR, RMR, CRR

Deposition of Ralph Van Beck - June 26, 2012

2

1 Deposition of RALPH VAN BECK, a witness in
2 the above-entitled action, taken at the instance of the
3 Plaintiff(s), pursuant to the Federal Rules of Civil
4 Procedure, pursuant to notice and agreement, before DAVID
5 J. SIKORA, RPR, RMR, CRR, Notary Public in and for the
6 State of Wisconsin, at 4929 Landmark Drive, Egg Harbor,
7 Wisconsin, on June 26, 2012, commencing at 10:38 a.m. and
8 concluding at 1:40 p.m.

9
10
11 A P P E A R A N C E S

12 CASCINO VAUGHAN LAW OFFICES, LTD., by
13 Mr. Robert G. McCoy
14 220 South Ashland Avenue
 Chicago, Illinois 60607
 appeared on behalf of the Plaintiffs.

15 CRIVELLO CARLSON, S.C., by
16 Ms. Laura E. Schuett
17 710 North Plankinton Avenue, Suite 500
 Milwaukee, Wisconsin 53203-2404
 appeared on behalf of the Defendants
 Sprinkmann Company, WEPCO and Ladish.

18 GIERKE FRANK, by
19 Ms. Nora Gierke
20 7604 Harwood Avenue, Suite 203
21 Wauwatosa, Wisconsin 53213
 appeared on behalf of the Defendant General
 Electric.

22 SEGAL MC CAMBRIDGE SINGER & MAHONEY, by
23 Ms. Jaime S. Bennett
24 233 South Wacker Drive, Suite 5500
 Chicago, Illinois 60606
25 appeared on behalf of the Defendant Miller
 Coors.

Deposition of Ralph Van Beck - June 26, 2012

3

1 PETERSON, JOHNSON & MURRAY, S.C., by
2 Mr. Ryan Maloney
3 733 North Van Buren Street, Suite 600
4 Milwaukee, Wisconsin 53202
5 appeared on behalf of the Defendant Milwaukee
6 Insulation Company.

7 O'CONNELL TIVIN MILLER BURNS, LLC, by
8 Mr. John Loring
9 400 East Wisconsin Avenue, Suite 400
10 Milwaukee, Wisconsin 53202
11 appeared on behalf of the Defendant Cleaver
12 Brooks.

13 CELBA LLC, by
14 Mr. Timothy D. Pagel
15 225 East Mason Street, 5th Floor
16 Milwaukee, Wisconsin 53202
17 appeared on behalf of the Defendant Foster
18 Wheeler.

19 SCHIFF HARDIN LLP, by
20 Mr. Brian O'Connor Watson
21 233 South Wacker Drive, Suite 6600
22 Chicago, Illinois 60606
23 appeared on behalf of the Defendant Owens
24 Illinois Inc.

25 HELPER BROOM, by
Mr. Michael T. Antikainen
30 North LaSalle Street, Suite 2900
Chicago, Illinois 60602
appeared on behalf of the Defendant Pabst
Brewing Company.

WOODEN & MC LAUGHLIN, by
Mr. James M. Boyers
211 North Pennsylvania Street
One Indiana Square, Suite 1800
Indianapolis, Indiana 46204
appeared via telephone on behalf of the
Defendant Rapid American.

FORMAN PERRY WATKINS KRUTZ & TARDY LLP, by
Mr. Donald C. Partridge
200 South Lamar Street
Jackson, Mississippi 39201
appeared via telephone on behalf of the
Defendant Ingersoll Rand, and Trane Company.

Deposition of Ralph Van Beck - June 26, 2012

4

1 FOLEY & MANSFIELD, by
2 Mr. Joseph P. Rejano
3 55 West Monroe Street, Suite 3430
4 Chicago, Illinois 60603
5 appeared via telephone on behalf of the
6 Defendant CBS Corporation.
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25

Deposition of Ralph Van Beck - June 26, 2012

5

I N D E X

EXAMINATION	PAGE
BY MR. MC COY	7
BY MR. WATSON	104
BY MS. BENNETT	113
BY MR. MALONEY	119
BY MR. ANTIKAINEN	120
BY MR. MALONEY	128
BY MR. PARTRIDGE	129
BY MR. MC COY	131
BY MR. MALONEY	132

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
No. 1	Notice of Deposition	103
No. 2	E-mail Service of Notice of Deposition	103
No. 3	List of Job Sites	119

(The original exhibits are attached to the original transcript; copies of the exhibits are attached to the copies of the transcripts as requested.)

R E Q U E S T S

REQUEST	PAGE	LINE
None		

Deposition of Ralph Van Beck - June 26, 2012

6

P R O C E E D I N G S

MR. BOYERS: James M. Boyers, Wooden & McLaughlin, and I represent Rapid American. 211 North Pennsylvania Street, One Indiana Square, Suite 1800, Indianapolis 46204.

MR. PARTRIDGE: Donald Partridge, Foreman Perry Watkins Krutz & Tardy. Appearing on behalf of Ingersoll-Rand Company and Trane U.S. 200 South Lamar Street, Jackson, Mississippi 39201. 601-960-8600.

MR. REJANO: Joseph Rejano, r-e-j-a-n-o. Foley & Mansfield, 55 West Monroe, Suite 3430, Chicago, 60603, representing CBS Corporation.

(On the record at 10:38 a.m.)

RALPH VAN BECK was called as a witness, and after being first duly sworn, on oath, was examined and testified as follows:

MS. SCHUETT: Before we start, Bob, I'd like to put on the record that we believe that plaintiff's counsel has violated the deposition protocol in a number of ways. First of all, he's 40 minutes late. Second of all, the answers to discovery for many of the defendants have not been answered. In addition, there appears to be a problem with the verification page that's been

Deposition of Ralph Van Beck - June 26, 2012

7

1 provided by plaintiff's counsel, and it is not the
2 correct verification page, it's from another state
3 case. So that we are producing Mr. Van Beck only
4 subject to all of our objections with respect to the
5 deposition protocol.

6 MS. GIERKE: I'd like to join in that.

7 MR. ANTIKAINEN: For the protocol, all
8 defendants are joined in that.

9 MR. MC COY: That's objection, or are you
10 stated in the protocol?

11 MR. ANTIKAINEN: I was just saying that as
12 well. Thank you, Bob.

13 MR. MC COY: Okay. Then let's go ahead.

14 EXAMINATION

15 BY MR. MC COY:

16 Q Why don't you go ahead and give us your name, and
17 spell your last name for us.

18 A Ralph Van Beck, capital v-a-n space capital b-e-c-k.

19 Q Okay, Mr. Van Beck, are you employed by anybody
20 today?

21 A No.

22 MS. SCHUETT: I do represent Mr. Van Beck
23 for the limited purpose of this deposition.

24 MR. MC COY: Understand.

25 Q Okay. So just following up on that. Do you agree

Deposition of Ralph Van Beck - June 26, 2012

8

1 that you're represented by Miss Schuett from the
2 Crivello Carlson Law Firm?

3 A Yes.

4 Q And do you also understand the Crivello Carlson Law
5 Firm to be the attorneys for Sprinkmann?

6 A Yes.

7 Q I can't remember where we left off on that question
8 about introducing you, and spelling your last name.
9 Did we get that out?

10 A Yes.

11 MS. SCHUETT: Yes.

12 MR. MC COY: Okay.

13 Q So then you're presently retired.

14 A Yes.

15 Q What's your address now?

16 A Physical address is 3264 Little Marsh Road, Fish
17 Creek 54212. Mailing address P.O. Box 862, Fish
18 Creek 54212.

19 Q How long have you lived in the Fish Creek area?

20 A Probably seven or eight years.

21 Q And where did you live before that?

22 A Greendale, Wisconsin.

23 Q Who was your last employer?

24 A Sprinkmann Sons.

25 Q And so when did you last work for Sprinkmann?

Deposition of Ralph Van Beck - June 26, 2012

9

- 1 A You know, I always get my dates -- just give me a
2 minute. Well, let's see. I retired at 73. So that
3 would be, I think it was the end of 2003.
- 4 Q Okay. That's fine. That's your best
5 recollection --
- 6 A Yes.
- 7 Q -- for now, and if you think of anything else on
8 that date, let us know.
- 9 A Okay.
- 10 Q So when you retired from Sprinkmann, what was your
11 position?
- 12 A Vice president.
- 13 Q Of any particular area?
- 14 A Thermal insulation division.
- 15 Q And who were you reporting to?
- 16 A Bill Sprinkmann Jr.
- 17 Q Okay. So, and you began working for Sprinkmann in
18 what year?
- 19 A 1948.
- 20 Q And your position when you began working was what?
- 21 A Helper.
- 22 Q Were you ever a member of Local 19?
- 23 A Yes.
- 24 Q When did you become a Local 19 member?
- 25 A Best recollection is 1952, I believe.

Deposition of Ralph Van Beck - June 26, 2012

10

1 Q Were you an apprentice before that?

2 A They weren't called apprentices. They were called
3 helpers.

4 Q Okay. And so how long did you keep up your
5 membership in Local 19?

6 A Until about 1965 or '66.

7 Q And was there any --

8 A To my best recollection.

9 Q I understand. Everything here is to your best
10 recollection. And to save you time, you know, you
11 don't have to say it, I understand that. That's
12 part of the testimony. So was there any particular
13 reason why you, your membership, let your membership
14 expire in Local 19?

15 A I became a field superintendent. And by union
16 regulations, I could no longer belong to the union.

17 Q Okay. A field superintendent for Sprinkmann?

18 A Yes.

19 Q And I'm assuming, correct me if I'm wrong, that you
20 continuously worked for Sprinkmann from 1948 to
21 2003?

22 A There was a brief period when I did not because of a
23 strike.

24 Q Okay. What years, roughly, was that?

25 A I have no -- no recollection what years that was.

Deposition of Ralph Van Beck - June 26, 2012

11

1 Q Before you became a field superintendent, right?
2 The strike?

3 A Yes.

4 Q So the strike caused you to be separated from
5 Sprinkmann for about how long? Like a month, six
6 months, what?

7 A Three, four weeks. I think that happened on several
8 occasions.

9 Q Okay. And when these occasions came up that you
10 weren't working for Sprinkmann for a short period,
11 who else were you working for? What other
12 companies?

13 A I think Brand, and might have been Northwestern
14 Insulation. Oh, and there was one local out of
15 Michigan that I have no -- remember what it was.

16 Q Okay. Once you became a field superintendent for
17 Sprinkmann, did you continuously work for Sprinkmann
18 until retirement?

19 A Yes.

20 Q Before you became a field superintendent with
21 Sprinkmann, what positions did you have with
22 Sprinkmann?

23 A Insulator.

24 Q And after you became a field superintendent for
25 Sprinkmann, then what other positions did you have

Deposition of Ralph Van Beck - June 26, 2012

12

1 before vice president?

2 A Well, not many. At one time somebody referred to me
3 as a project manager. But it was not a defined
4 position. I was generally a field superintendent.

5 Q Who were you reporting to as a field superintendent?

6 A Well, whoever was in charge at the time of that
7 division.

8 Q Okay. When you say that division, what was the name
9 of the division when you became --

10 A Thermal insulation.

11 Q So who was in charge when you first became field
12 superintendent?

13 A Kenneth Karn.

14 Q And then after Mr. Karn --

15 A Norbert Lukin.

16 MR. REJANO: Could you repeat that name
17 please?

18 MS. SCHUETT: Can you repeat that name?

19 THE WITNESS:

20 A Whose name?

21 MR. MC COY:

22 Q Mr. Lukin.

23 A Norbert Lukin.

24 Q And after Mr. Lukin, who was the next one you were
25 reporting to?

Deposition of Ralph Van Beck - June 26, 2012

13

1 A William Sprinkmann Jr.

2 Q After William Sprinkmann Jr., was there anybody
3 else?

4 A No.

5 Q When did you start reporting to Mr. Lukin?

6 A I don't remember the date. It started when Mr.
7 Lukin came in. Was brought in.

8 Q Where was he brought in from?

9 A He was brought in from the a Sprinkmann company in
10 Peoria, Illinois.

11 Q And then when did you start reporting to Mr.
12 Sprinkmann? William Sprinkmann Jr., I should say.

13 A When Mr. Lukin retired. And I don't remember the
14 date.

15 Q Did you ever do any work out of the Peoria office?

16 A No.

17 Q How about up north for Sprinkmann? Meaning like the
18 office that was around Green Bay area?

19 A I'm not --

20 MS. SCHUETT: Objection, form, foundation.

21 THE WITNESS: Pardon?

22 MS. SCHUETT: I said objection, form,
23 foundation. You can still answer if you can.

24 THE WITNESS:

25 A I'm not quite sure what the question was.

Deposition of Ralph Van Beck - June 26, 2012

14

1 MR. MC COY:

2 Q Okay. The question was, did you do any work for
3 Sprinkmann out of the office that was up north?

4 MS. SCHUETT: Same objections. Vague.

5 THE WITNESS:

6 A You mean the office Sprinkmann had in Green Bay?

7 MR. MC COY:

8 Q That's right.

9 A Did I ever do any work for them.

10 Q Out of that office, right.

11 A And what do you mean by work?

12 Q Well, as a field superintendent, or whatever.

13 A No. They were pretty -- no, he pretty much was on
14 his own. He ran his own operation.

15 Q Okay. Who was running the Green Bay office?

16 MS. SCHUETT: Vague as to time, form,
17 foundation. You can answer if you can.

18 THE WITNESS:

19 A Yeah. I'm trying to remember.

20 MS. SCHUETT: Yeah. Understood.

21 THE WITNESS:

22 A I'm trying to remember. Oh, for crying out loud.
23 I'm sorry, at the moment, I don't remember.

24 MR. MC COY:

25 Q As an insulator, you worked at, I'm assuming, Oak

Deposition of Ralph Van Beck - June 26, 2012

15

1 Creek, because I think we had some testimony about
2 that one before.

3 MR. WATSON: Objection to the form of that
4 question.

5 MR. PAGEL: And foundation.

6 MR. MC COY: What's the foundation
7 objection?

8 MR. PAGEL: Foundation objection is you
9 didn't ask him where he's worked before. You just
10 came out and said you're assuming this is a fact
11 into evidence. There you go.

12 MR. MC COY: Any other foundation objection?

13 MR. WATSON: Foundation also as to the
14 testimony to which you referred without laying a
15 foundation about what testimony you're referring to.

16 MR. MC COY: Okay.

17 Q When did you first start working at Oak Creek
18 Powerhouse?

19 A I have no idea.

20 MS. SCHUETT: Same objections.

21 MR. MC COY:

22 Q What unit was the first one that you were on?

23 A I don't remember.

24 Q Were you a field superintendent for some of the work
25 at Oak Creek Powerhouse?

Deposition of Ralph Van Beck - June 26, 2012

16

1 A While I was a superintendent?

2 Q Yes. Were you --

3 A Yes. While I was a superintendent.

4 Q Right. Which units were you a field superintendent
5 for?

6 A All units.

7 Q And I'm asking about original construction. Which
8 units were you a field --

9 A None. I was not a superin -- well, on the original
10 construction? None. I was not a superintendent.

11 Q Your role as field superintendent was on the work
12 after the original construction at Oak Creek
13 Powerhouse, right?

14 A To the best of my recollection, yes.

15 MR. PAGEL: Objection, form, vague as to
16 time, foundation.

17 MR. MC COY:

18 Q So as a field superintendent on projects at Oak
19 Creek Powerhouse for Sprinkmann, who did you
20 interface with in the electric company's, among the
21 electric company's personnel?

22 MS. SCHUETT: Objection, form, foundation,
23 vague.

24 THE WITNESS:

25 A Quite honestly, I didn't really interface with

Deposition of Ralph Van Beck - June 26, 2012

17

1 anybody. It wasn't my job to interface with them.
2 And if I had any interface with anybody, I don't
3 remember. That was a long time ago.

4 MR. MC COY:

5 Q So how did you -- how did you know what
6 superintending instructions you needed to give to
7 Sprinkmann personnel working --

8 A I knew what the scope of the job was.

9 Q How did you know the scope of the job?

10 A It was given to me by whoever estimated the job.

11 Q And how did they convey to you the scope of the job?

12 A Well, either oral or written. Mostly oral.

13 Q Okay. So who were the estimators that gave you
14 information about the scope of the work at the Oak
15 Creek Powerhouse?

16 MS. SCHUETT: Objection, vague as to time.

17 THE WITNESS:

18 A Yeah. Give me a date.

19 MR. MC COY:

20 Q Just start at the time when you first became field
21 superintendent. '65, '66 timeframe.

22 A I'm not sure who handled it. I don't know. I don't
23 remember who it was.

24 Q Okay. Is it fair to say that Sprinkmann usually had
25 at least one person working at Oak Creek Powerhouse?

Deposition of Ralph Van Beck - June 26, 2012

18

1 MS. SCHUETT: Objection, vague as to time,
2 form, foundation.

3 THE WITNESS:

4 A When you talk about -- are you talking about a field
5 person?

6 MR. MC COY:

7 Q Right. Like an insulator.

8 A Not continuously.

9 Q Okay. Did Sprinkmann have contract jobs at Oak
10 Creek Powerhouse?

11 A I'm sorry, repeat the question.

12 Q Sprinkmann had contract jobs at Oak Creek?

13 A Contract jobs?

14 Q Yes.

15 A Yes.

16 Q Okay. And were those pursuant to then a written
17 contract?

18 A I had no -- this was not my field. I had no
19 information about that. Didn't concern me.

20 Q What information did you have about the safety
21 practices and procedures that the electric company
22 wanted Sprinkmann to follow, if anything?

23 MS. SCHUETT: Form, foundation, vague as to
24 time.

25 THE WITNESS:

Deposition of Ralph Van Beck - June 26, 2012

19

1 A I'm not sure that I had any, or I remember any.

2 MR. MC COY:

3 Q Did you get training in safety for asbestos, like
4 one of those classes, or something like that?

5 MS. SCHUETT: Objections, form --

6 THE WITNESS:

7 A When?

8 MS. SCHUETT: -- foundation, vague as to
9 time.

10 MR. MC COY:

11 Q I was just asking did you ever have at any time?

12 A Did I ever at any time?

13 Q Yes.

14 A You talking about -- in what scope? What are you
15 talking about? Trained in asbestos to do what?

16 Q For safety practices.

17 MS. SCHUETT: Still vague.

18 THE WITNESS:

19 A No, not really. Did I --

20 MR. MC COY:

21 Q Did you go to the school or the class, yes.

22 MS. SCHUETT: Form, foundation.

23 MR. MC COY:

24 Q Right. While you were field superintendent.

25 A No.

Deposition of Ralph Van Beck - June 26, 2012

20

1 Q Did you ever go to a class for asbestos safety?

2 A No. At the time it wasn't -- there wasn't a
3 problem.

4 Q When you say at the time, what period are you
5 talking about now?

6 A Before 1970 something.

7 Q Are you referring to the period before the OSHA
8 regulations came out?

9 A Yes.

10 Q How did you hear about the OSHA regulations?

11 A I have no idea. It was all over the industry.

12 Q So before you became, or while -- let me rephrase
13 this question. Strike that. While you were a
14 member of Local 19, then you got the monthly
15 publication that the insulators got?

16 MS. SCHUETT: Objection, form, foundation,
17 assumes facts not in evidence.

18 THE WITNESS:

19 A I imagine I did, if I was a member, and they put
20 them out, I probably got them.

21 MR. MC COY:

22 Q Okay. So did you have any recollection of seeing
23 any articles that were published by Dr. Selikoff, or
24 any presentations that were published and written up
25 in the insulators magazine?

Deposition of Ralph Van Beck - June 26, 2012

21

1 A No.

2 Q Do you remember discussions about the studies of Dr.
3 Selikoff before these OSHA regulations?

4 A No.

5 Q Now, tell me the circumstances, you know, how it
6 came about that they gave you the job as field
7 superintendent. I mean I'm assuming there must have
8 been some meetings or conversations to put in place
9 those arrangements. And that's what I'm asking you
10 about.

11 MS. SCHUETT: Objection, form, foundation,
12 multiple, vague.

13 THE WITNESS: Can I answer?

14 MS. SCHUETT: Yeah.

15 THE WITNESS:

16 A I'll tell you exactly how it happened. They asked
17 me if I'd like to be field superintendent, and I
18 said yes.

19 MR. MC COY:

20 Q Okay. Were you replacing anybody, or was this a new
21 position, or what?

22 A It was basically a new position.

23 Q And who was the person or persons that were asking
24 you?

25 A Kenneth Karn, at the time, I believe.

Deposition of Ralph Van Beck - June 26, 2012

22

1 Q Did Sprinkmann have any other field superintendents
2 besides yourself when you first got the position?

3 A No.

4 Q Okay. So just describe for us what duties you had
5 when you first became field superintendent.

6 A Well, I superintended the field. I hired people, I
7 fired people, I decided who worked where, how many
8 people were on the job, made sure they had the
9 materials and equipment they needed.

10 Q Okay. So did the foreman on these jobs for
11 Sprinkmann work through you or with you?

12 A Yes.

13 Q And is that how you found out what materials were
14 needed, or from the foreman, or did the foreman --
15 or did you tell the foreman this is the materials
16 you're going to have? Or how did that process work
17 about --

18 MS. SCHUETT: Objection, form, foundation,
19 multiple, assumes facts not in evidence. Customer
20 specified materials, you know that, Bob. Sorry. Go
21 ahead.

22 THE WITNESS:

23 A Whoever estimated the job made up the material list.

24 MR. MC COY:

25 Q Okay. Did you have a role in suggesting, or any

Deposition of Ralph Van Beck - June 26, 2012

23

1 input as to what types of materials or brands of
2 materials were going to be used?

3 A No.

4 Q Was there somebody at Sprinkmann who specialized in
5 knowing what would be the best materials or brand of
6 materials for jobs?

7 MS. SCHUETT: Objection, asked and answered,
8 form, foundation. He's already answered the
9 question.

10 THE WITNESS: So? Do I answer?

11 MS. SCHUETT: You can. You know, if you
12 can.

13 THE WITNESS:

14 A Repeat the question.

15 MR. MC COY: Okay. You can just read it
16 back.

17 (Question read)

18 THE WITNESS:

19 A It would be the person who estimated the job.

20 MR. MC COY:

21 Q Okay. Did Sprinkmann have a purchasing department
22 or person whose primary function was to do
23 purchasing?

24 A Yes.

25 Q Okay. And was that, for some period of time, Mr.

Deposition of Ralph Van Beck - June 26, 2012

24

1 Locker?

2 A Yes.

3 Q Who else had that job besides John Locker?

4 A At that time, he's the only one I knew.

5 Q Okay. Who preceded him? If you know.

6 A Young man by the name of Daniel Naumann. And then
7 his brother David Naumann.

8 Q Can you do your best to spell their last names?

9 A N-a-u-m-a-n-n.

10 Q Okay. And then after Mr. Locker, who was the one
11 doing --

12 A I believe it was Daniel Naumann.

13 Q The purchasing?

14 A Yes.

15 Q Did both Daniel and David come after Mr. Locker, or
16 was --

17 A Yes.

18 Q Do you know who was before Mr. Locker?

19 A No.

20 Q When was the last time that you visited the
21 Sprinkmann offices?

22 A Probably several weeks ago.

23 Q And when you visit after you've retired, is that
24 just to keep in touch with everybody?

25 A Yes.

Deposition of Ralph Van Beck - June 26, 2012

25

1 Q You don't have any further responsibilities for
2 work, right?

3 A Absolutely none.

4 Q Do you have any of your children who work in the
5 insulation business?

6 A No.

7 Q I'm going to ask you about some job sites that are
8 on the list for Daniel Ahnert. This is a case in
9 which this deposition was noticed. And just for
10 clarification, or for my information, did you ever
11 know Daniel Ahnert? He was a member of the Local
12 601 pipe fitters.

13 A No.

14 MR. WATSON: I'm just going to object to the
15 statement, and the line of questioning, when you say
16 the list, whether you can either make that a part of
17 the record, or not refer to it as the list.

18 MS. SCHUETT: Join.

19 MR. MC COY:

20 Q Okay. Did you have to coordinate work with any of
21 the superintendents or personnel from Local 601 Pipe
22 Fitters on jobs?

23 A Did I have to coordinate work.

24 Q Right.

25 A Well, it was up to them to tell me when the work was

Deposition of Ralph Van Beck - June 26, 2012

26

1 ready for me to do.

2 Q Okay. And when you say them, you mean somebody --

3 A Whoever was in charge of the steamfitter job, or
4 whatever, plumber, whatever.

5 Q Was there a minimum size job that would require your
6 attention? I mean -- or was there -- or was it any
7 job that needed field superintending you could be
8 involved with?

9 MS. SCHUETT: Objection, form, foundation.

10 THE WITNESS:

11 A Any.

12 MR. MC COY:

13 Q Could any of the people working for Sprinkmann on a
14 job approach you, and say, hey, you know, we need
15 some superintending on this job?

16 A Who are you talking about, would any people? What
17 people?

18 Q From Sprinkmann. Working for Sprinkmann.

19 A In the field or in the office?

20 Q Either please. Any place. That's what I'm saying.

21 A Field people probably would not.

22 Q Okay.

23 A The office people might say, you know, in any
24 particular job they had, they might ask me to look
25 at something.

Deposition of Ralph Van Beck - June 26, 2012

27

1 Q So when it comes to the field work, the
2 Sprinkmann -- with the Sprinkmann personnel, your
3 communications were almost always with the foremen,
4 or project managers out there, or estimators, is
5 that fair?

6 A Yeah, it would --

7 MS. SCHUETT: Objection. Sorry, go ahead.

8 THE WITNESS:

9 A It would be between the field people and the
10 estimator.

11 MR. MC COY:

12 Q Okay. And when you say the field people, who do you
13 mean?

14 A Insulators.

15 Q Did you communicate directly with the insulators, as
16 far as giving them instructions goes, if they were
17 not foremen?

18 A Say this again.

19 Q Well, what I'm trying to understand is the chain of
20 communications. And I'm just -- I want to know if
21 like a individual who's just an insulator, who's got
22 a foreman above him, if that insulator can go around
23 the foreman and go straight to you, and find out,
24 you know, what assistance you could give him with
25 whatever his problem was.

Deposition of Ralph Van Beck - June 26, 2012

28

1 MS. SCHUETT: Objection, form, foundation,
2 improper hypothetical, vague as to time.

3 THE WITNESS:

4 A Anybody could talk to me.

5 MR. MC COY:

6 Q Okay. That's all I was trying to find out. Okay.
7 So let me start with -- I want to start with this
8 location here, Miller Brewery in Milwaukee. And I'm
9 assuming you're familiar with that location, right?

10 A Yes.

11 Q Okay. And I'm assuming your familiarity is through
12 the work that Sprinkmann had there?

13 MS. SCHUETT: Objection, form.

14 THE WITNESS:

15 A Yes.

16 MR. MC COY:

17 Q Okay. So tell me about this Miller Brewery. Is
18 that -- do you know that as only one basic site or
19 location?

20 A Yes.

21 Q Okay. And where was that located at?

22 A I don't know. Around 4400 State Street, or
23 something like that. 4000 State Street.

24 Q Did you work there as a member of Local 19?

25 A I believe I did.

Deposition of Ralph Van Beck - June 26, 2012

29

1 Q Did Sprinkmann have, when you were still a Local 19
2 member, did Sprinkmann have a foreman, or a person
3 who was usually at Miller most every day?

4 MS. SCHUETT: Objection.

5 THE WITNESS:

6 A No.

7 MS. SCHUETT: Just vague as to time. What
8 time you're including there.

9 MS. BENNETT: Join.

10 THE WITNESS:

11 A Repeat the question please.

12 MR. MC COY:

13 Q When you were a Local 19 member, did Sprinkmann have
14 a person who was usually at Miller every day?

15 MS. SCHUETT: The same objection.

16 THE WITNESS:

17 A To my recollection, no.

18 MR. MC COY:

19 Q Did Sprinkmann later on have someone who was usually
20 at Miller every day?

21 A Much later on.

22 Q Okay. Who was that person? The first one.

23 MR. WATSON: Objection to the form.
24 Especially in terms of time.

25 THE WITNESS:

Deposition of Ralph Van Beck - June 26, 2012

30

1 A Yeah. That's my question is when are you talking
2 about. What time. What year.

3 MR. MC COY:

4 Q Talking about around 1970.

5 MS. SCHUETT: Around, or in 1970?

6 THE WITNESS:

7 A No. There was no -- Sprinkmann did not have anybody
8 there all the time at that time. That I'm aware of.

9 MR. MC COY:

10 Q Okay. When do you remember Sprinkmann having
11 someone that was at Miller on a daily basis?

12 A All I can tell you is much, much later.

13 Q Okay. And who was the first person?

14 A Richard, I believe, Richard Wandsnider.

15 Q When was the first time that you had to do any work
16 as a superintendent for jobs at Miller?

17 A I have no idea.

18 Q What was the first time you remember as far as
19 having to come into contact with some of the work at
20 Miller as a field superintendent?

21 A I have no idea.

22 Q I'm not talking about the timeframes now, dates, I'm
23 talking about what was --

24 A You're asking me the first time. I don't know. I
25 don't remember. I have no idea.

Deposition of Ralph Van Beck - June 26, 2012

31

1 Q All right. So tell me the situations that you do
2 remember that you had to get involved with at
3 Miller. The first one.

4 MS. SCHUETT: Objection, asked and answered.

5 THE WITNESS:

6 A I can't tell you.

7 MR. MC COY:

8 Q Okay. What work did you do at Miller as a field
9 superintendent?

10 A I didn't do any work at Miller as a superintendent.

11 Q What work did you do on the Miller account as a
12 field superintendent?

13 MS. SCHUETT: Asked and answered.

14 THE WITNESS:

15 A Well, I had somebody insulate, do the insulation
16 work. That's what we're in business for.

17 MR. MC COY:

18 Q Was this before Mr. Wandsnider was stationed there
19 at Miller?

20 A I don't remember. You people are going back 50
21 years.

22 Q Happens to me every day.

23 A Well, then you should know.

24 Q Right. And that's why I say I understand it's hard
25 to remember. I take that into account. Okay. So

Deposition of Ralph Van Beck - June 26, 2012

32

1 at the Miller Brewery, did Sprinkmann do asbestos
2 removal jobs?

3 A At what time?

4 Q At any point in time.

5 A No.

6 Q So your recollection is, the only work done at
7 Miller Brewery was installation (sic) work?

8 A Yes.

9 MR. WATSON: Objection to the
10 mischaracterizing his prior testimony.

11 MR. MC COY:

12 Q Was most of the Miller work pipelines?

13 MS. SCHUETT: Objection, form, foundation,
14 vague as to time.

15 MS. BENNETT: Join.

16 THE WITNESS:

17 A Are you -- you talking about my line of work?

18 MR. MC COY:

19 Q I'm talking about the physical structures at Miller
20 that were being insulated. I'm asking if that was
21 mostly pipeline work.

22 A Yes. That's all I was involved in.

23 Q All you were involved in at Miller.

24 A Anywhere. That's all I was involved in was pipeline
25 work.

Deposition of Ralph Van Beck - June 26, 2012

33

1 Q What about boilers?

2 A Pipe insulation. Yes. Thermal insulation.

3 Q Okay. So what you're saying then is that all the
4 work you were involved with at Miller was thermal
5 insulation work, right?

6 A Right. Or -- yes.

7 Q Okay. Besides the pipe at Miller, what other
8 thermal insulation work had --

9 A Equipment.

10 Q What equipment do you remember at Miller needing
11 insulation work by Sprinkmann?

12 A I don't know exactly what work was done. God, man.

13 Q Well, what do you remember?

14 A Obviously, there were some pipes to be insulated,
15 and probably some equipment. I have no definite
16 recollection.

17 Q Okay.

18 A I did not keep a journal of what I did all my life.

19 Q I understand. I didn't either. So I'm just asking
20 for your best recollection. Now, was there a
21 particular brand of insulation material that you
22 remember being used at Miller?

23 A No.

24 Q When you were an insulator for Local 19, did you
25 work at Oak Creek? You did work at Oak Creek

Deposition of Ralph Van Beck - June 26, 2012

34

1 Powerhouse, right?

2 A Yes, I did.

3 Q Okay. And about how much time did you have in at
4 Oak Creek Powerhouse as a member of Local 19? When
5 I say that, I'm saying was it like, in total, a
6 year, or two years?

7 A Oh, no. Nowhere near that.

8 Q Okay. Less than a year?

9 A Much less. It could be a matter of months. I'm not
10 sure.

11 Q As a Local 19 member, what are the big jobs that you
12 remember being on?

13 MS. SCHUETT: Objection, vague.

14 THE WITNESS:

15 A The big jobs?

16 MR. MC COY:

17 Q Yes.

18 A Port Washington Power Plant, Oak Creek Power Plant.
19 Nothing else comes to mind right now.

20 Q Did you have more time at Port Washington than at
21 Oak Creek?

22 A No.

23 Q Did you work at Lakeside Power House?

24 MS. SCHUETT: As a --

25 THE WITNESS:

Deposition of Ralph Van Beck - June 26, 2012

35

1 A Insulator?

2 MR. MC COY:

3 Q Yes.

4 A I don't believe so.

5 Q As a field superintendent, what jobs do you remember
6 at Lakeside Power Station?

7 MS. SCHUETT: Objection, vague.

8 THE WITNESS:

9 A I remember being there once, and I have no
10 recollection of what we were doing.

11 MR. MC COY:

12 Q When you say you remember being there once, you're
13 talking about physically being on the premises.

14 A No. No, no. I never physically worked there,
15 myself, that I remember.

16 Q Okay. I'm not talking about doing insulator work,
17 I'm just talking about being on the premises as a
18 field superintendent.

19 A I told you, I think I may have been there one time.

20 Q Was there other jobs where you weren't there in
21 person?

22 MR. ANTIKAINEN: Object to form.

23 THE WITNESS:

24 A No, I have no recollection of that.

25 MR. MC COY:

Deposition of Ralph Van Beck - June 26, 2012

36

1 Q What materials were you working with at Oak Creek?

2 MS. SCHUETT: Objection, form, foundation,
3 vague as to time.

4 THE WITNESS:

5 A What type?

6 MR. MC COY:

7 Q Right. As an insulator.

8 A Well, materials used for hot insulation.

9 Q Okay. Were you working on boilers, or on the pipes,
10 or what?

11 A I did work on the boiler, I believe.

12 Q Did you do pipe work also?

13 A I may have.

14 Q How about turbine work? At Oak Creek.

15 A Not to my recollection.

16 Q Who was your boss when you were an insulator at Oak
17 Creek?

18 A I have no idea. I know it sounds funny, but I
19 don't. I wouldn't -- I don't know.

20 Q Did you work for Warren Hansen at Oak Creek?

21 A Yes. Is that what you meant by who was my boss?

22 Q Well, you know, whatever your answer was your answer
23 was. But, yeah, I was thinking -- I was thinking
24 Warren Hansen.

25 A Yeah. I remember him.

Deposition of Ralph Van Beck - June 26, 2012

37

1 Q What position do you remember him having? Like
2 foreman, or general foreman, or what?

3 A Foreman.

4 Q At Port Washington, who did you work for as an
5 insulator?

6 A You mean as a foreman?

7 Q Who was your foreman, yes.

8 A I think a fellow by the name of Joe Stolper.

9 Q Do your best to spell his last name for us.

10 A I think it's s-t-o-l-p-e-r.

11 Q The Port Washington work, was this like early for
12 you, meaning like in the early 50s, or late 40s?

13 A It was my first job. It was 1948.

14 Q Did you go back to Port Washington after that first
15 job for any long periods, or was it --

16 A No.

17 Q The first job, how long were you out at Port,
18 roughly?

19 A Month or two.

20 Q Where were you living at the time when you were
21 working for Local 19?

22 A In Greendale.

23 Q Okay. What can you tell us about the Ladish
24 Foundry?

25 MS. SCHUETT: Objection, vague, form,

Deposition of Ralph Van Beck - June 26, 2012

38

1 foundation.

2 THE WITNESS:

3 A Not much.

4 MR. MC COY:

5 Q Okay. That's a Sprinkmann account, right?

6 A No.

7 MS. SCHUETT: Objection. Sorry, go ahead.

8 THE WITNESS:

9 A Sprinkmann account?

10 MR. MC COY:

11 Q Yes.

12 A What do you mean by the word account?

13 Q Customer.

14 MS. SCHUETT: Objection, vague as to time.

15 THE WITNESS:

16 A What -- I have no -- during what period?

17 MR. MC COY:

18 Q At any point in time.

19 A No.

20 Q Do you remember Ladish?

21 A Yeah. I remember Ladish, yes.

22 Q Okay. And how is it that you remember Ladish?

23 A We did a piping job at Ladish for the new -- in
24 their foundry. In their forge.

25 Q And when was that piping job?

Deposition of Ralph Van Beck - June 26, 2012

39

1 A Probably in the 1980s. Or thereabouts.

2 Q So when you became field superintendent in '65 or '66,
3 who do you remember being the larger Sprinkmann
4 customers?

5 MS. SCHUETT: Objection, vague.

6 THE WITNESS:

7 A You know, that would be of no concern of mine. I
8 wouldn't know.

9 MR. MC COY:

10 Q How many members of Local 19 were working for
11 Sprinkmann, at that time, when you became field
12 superintendent?

13 A I have no idea.

14 Q They needed you as a superintendent because there
15 was --

16 A When are you talking about? When I was field
17 superintendent?

18 Q Yeah. When you first became field superintendent,
19 yes.

20 A And then the question was?

21 Q How many Sprinkmann -- how many Local 19 members
22 were working for Sprinkmann, approximately, how
23 many, when you first became field superintendent?

24 A I don't know when I first became -- I have no idea.
25 I couldn't give you a -- it would be a guesstimate.

Deposition of Ralph Van Beck - June 26, 2012

40

1 Q Enough that Sprinkmann needed a field
2 superintendent.

3 MS. SCHUETT: Objection, form.

4 THE WITNESS:

5 A In their opinion they needed one.

6 MR. MC COY:

7 Q So you're saying you have no recollection of who
8 were the -- maybe I don't mean to take your words
9 and say something different. But are you saying you
10 had no recollection, or that you had -- of who were
11 the larger Sprinkmann customers when you became
12 field superintendent, or that you never knew who
13 they were?

14 MS. SCHUETT: Objection, form.

15 THE WITNESS:

16 A I don't even remember who they were. Obviously, I
17 think, the power company was a big customer. That's
18 a given.

19 MR. MC COY:

20 Q Okay. Meaning Wisconsin Electric.

21 A Yes. And your definition of big is what?

22 Q I just said the largest.

23 A Yeah. What is that? I mean --

24 Q Well, if you were to take the 10 customers of
25 Sprinkmann who had the most work, in your view, who

Deposition of Ralph Van Beck - June 26, 2012

41

1 were they?

2 A I don't remember.

3 MS. SCHUETT: Objection, form, foundation.

4 MR. WATSON: Objection.

5 MR. MC COY:

6 Q Allis Chalmers would be one, right?

7 MS. SCHUETT: Objection.

8 MR. WATSON: Object to the form.

9 MS. SCHUETT: Foundation.

10 MR. WATSON: Foundation.

11 MS. SCHUETT: He's already answered your
12 question.

13 MR. WATSON: Asked and answered.

14 MS. SCHUETT: Right.

15 MR. MC COY:

16 Q Go ahead, you can answer.

17 A Allis Chalmers, we worked at Allis Chalmers, yes.

18 Q That would be one of the larger Sprinkmann
19 customers, right?

20 A Whether it was one of the larger ones or not, I
21 don't know. Because I don't know what your
22 definition of large is. Because it's a big
23 facility, fine. But in terms of value, I have no
24 idea.

25 Q Okay. What were the customers for whose projects

Deposition of Ralph Van Beck - June 26, 2012

42

1 you did the most work when you first became field
2 superintendent?

3 MS. SCHUETT: Objection, form, foundation,
4 vague.

5 THE WITNESS:

6 A My Lord, man, we might have had 75 jobs going at one
7 time.

8 MR. MC COY:

9 Q Okay.

10 A Anywhere from 25 to 75. I have no idea.

11 Q How was it determined where your time would be
12 allocated amongst these jobs that were ongoing at
13 the same time?

14 MS. SCHUETT: Objection, vague as to time.

15 THE WITNESS:

16 A I decided where it was needed.

17 MR. MC COY:

18 Q Okay. And how did you go about making those
19 decisions?

20 MS. SCHUETT: Vague as to time.

21 THE WITNESS:

22 A On size, or --

23 MR. MC COY:

24 Q Go ahead.

25 A Probably if I had any concerns about a particular

Deposition of Ralph Van Beck - June 26, 2012

43

1 job, that would be one of them.

2 Q Okay. Okay.

3 A But I just checked everything. Made sure everything
4 was going right. As best I could.

5 Q Besides Mr. Karns -- Mr. Karn, I should say, who
6 else did you give input to that would be, you know,
7 at a higher level?

8 MS. SCHUETT: Objection, form.

9 THE WITNESS:

10 A You talking -- I'm sorry.

11 MS. SCHUETT: Go ahead.

12 THE WITNESS:

13 A You talking about the estimators in the office?

14 MR. MC COY:

15 Q I'm not talking about the estimators, I'm talking
16 about --

17 A Who are you talking about?

18 Q -- I'm talking about people like Ernest Sprinkmann
19 and William Sprinkmann Sr.

20 A Never talked to him when I was -- no, I didn't give
21 him any input.

22 Q Did they give you input?

23 A No.

24 Q So it was Karn, the estimators, other people in the
25 office, but not the Sprinkmann family members,

Deposition of Ralph Van Beck - June 26, 2012

44

1 right?

2 MS. SCHUETT: I just want to object as to
3 form, foundation, vague as to time. Your whole
4 question is vague.

5 THE WITNESS:

6 A What do you mean about other people in the office?

7 MR. MC COY:

8 Q Well, that's what -- I mean you said earlier that
9 you would get input, or work with almost anybody
10 else who was in the office.

11 A No, I said I worked with the estimators.

12 Q Okay. How about with somebody like Mr. Locker?

13 MS. SCHUETT: Same objections.

14 MR. MC COY:

15 Q Did you work with him?

16 MR. WATSON: Objection to the vagueness of
17 that question.

18 THE WITNESS:

19 A He had no input, as far as I know, of what went on
20 in the jobs.

21 MR. MC COY:

22 Q Okay. You know, I appreciate these answers. I mean
23 maybe they're getting objections, but they're
24 important to me, that's why I'm asking, Mr. Van
25 Beck. So I guess I've learned that when my

Deposition of Ralph Van Beck - June 26, 2012

45

1 questions are objected to that probably means they
2 are important.

3 MS. SCHUETT: Well, let's --

4 MR. MC COY: Let me go on from there.

5 MS. SCHUETT: Let's not editorialize.

6 MR. PAGEL: I move to strike counsel's
7 soliloquy.

8 MR. MC COY: Okay.

9 Q So. All right. Let's go back to another location.
10 At Port Washington Power Station. You worked there
11 as a Local 19 member. Do you know what unit you
12 were working on?

13 A Well, whatever was being built in 1948.

14 Q Okay. So it was an original construction of the
15 unit.

16 A I'm not sure if that was one or not.

17 Q I'm not asking you --

18 A It was original construction, yes.

19 Q Yeah. Okay. Fine. You just don't know the --

20 A Whichever unit it was.

21 Q So was it -- when did you start in 1948 with
22 Sprinkmann?

23 A June.

24 Q So right away you were out at Port Washington,
25 right?

Deposition of Ralph Van Beck - June 26, 2012

46

1 A Excuse me?

2 Q You were out at Port Washington -- they sent you out
3 to Port Washington right away.

4 MS. SCHUETT: Objection, asked and answered.
5 He just told you he was there in June of 1948.

6 MR. MC COY: I didn't hear that answer. I'm
7 sorry, Laura. That's the question I was trying to
8 ask him was --

9 Q When you started with Sprinkmann in June of 1948,
10 did they send you to Port Washington right away?

11 A Yes.

12 Q Do you know the brands of the materials that were
13 being used at Port Washington back in 1948?

14 A No.

15 Q How long after Port Washington did you have the work
16 at Oak Creek Power Station?

17 A Oh, I have no idea.

18 Q Okay. Was it a couple years?

19 A May have been.

20 Q So in the interim between the two big power houses,
21 as a member of Local 19, can you tell us what other
22 places you worked at?

23 MS. SCHUETT: Objection, vague as to time.

24 THE WITNESS:

25 A I worked at a plant in LaCrosse. I worked at a

Deposition of Ralph Van Beck - June 26, 2012

47

1 power house in Crookston, Minnesota. There's all
2 kinds of them. I can't -- I told you I didn't keep
3 a journal. I have no idea.

4 MR. MC COY:

5 Q Okay. All right. Let's --

6 A I'm sorry. Go ahead.

7 Q Okay. Okay. And you're welcome to talk to your
8 attorney. It doesn't phase me at all, if you need
9 to talk to her, you can go ahead. But Pabst
10 Brewery, does that have more than one location?

11 A Do they have more?

12 Q Yeah. Or did they before have more than one
13 location?

14 MS. SCHUETT: Objection.

15 MR. MC COY:

16 Q In the Milwaukee area.

17 A No.

18 MS. SCHUETT: Objection, vague as to time.

19 THE WITNESS:

20 A No.

21 MR. MC COY:

22 Q So where was the Pabst Brewery located at in the
23 Milwaukee area?

24 A I believe it was on Juneau Avenue or Highland
25 Avenue.

Deposition of Ralph Van Beck - June 26, 2012

48

1 Q What projects were you involved with as a member of
2 Local 19 at Pabst?

3 MR. ANTIKAINEN: Objection to form.

4 MR. MC COY:

5 Q If any.

6 MR. ANTIKAINEN: Foundation. Assumes facts.

7 THE WITNESS:

8 A I worked on the power house.

9 MR. MC COY:

10 Q And who was your foreman on that power house job?

11 A I don't remember.

12 Q How long was the power house job at Pabst?

13 MR. ANTIKAINEN: Object to form, foundation.

14 THE WITNESS:

15 A I don't know. I probably remember being there some
16 months, that's all.

17 MR. MC COY:

18 Q This was all just -- were you a Local 19 member at
19 the time, or were you just a helper?

20 MS. SCHUETT: Objection, form.

21 THE WITNESS:

22 A That's a good question. I'm not quite sure. I
23 don't -- if I knew the date, if I remember the date,
24 I would know, but I don't remember the date. I
25 don't remember.

Deposition of Ralph Van Beck - June 26, 2012

49

1 MR. MC COY:

2 Q And who was your foreman at Pabst?

3 MR. ANTIKAINEN: Asked and answered.

4 THE WITNESS:

5 A I don't remember.

6 MR. MC COY:

7 Q Okay. Was there more than one job that you had at
8 Pabst as a Local 19 member, or was it just one?

9 A No. There were more.

10 Q Okay. Did Sprinkmann have somebody that was
11 stationed most every day at Pabst during the time
12 that you were a Local 19 member?

13 A Yes.

14 MR. ANTIKAINEN: Object, foundation.

15 MR. MC COY:

16 Q And who was the Sprinkmann person?

17 A Last name was Tollefson. Clayton Tollefson.

18 Q Okay. Would he be considered a foreman, or just
19 another guy who was a insulator working there?

20 A I think you'd just classify him as an insulator
21 working there.

22 Q Did Clayton Tollefson continue in this role of being
23 at Pabst daily for Sprinkmann after you became field
24 superintendent?

25 MR. ANTIKAINEN: Object to form, foundation.

Deposition of Ralph Van Beck - June 26, 2012

50

1 MS. SCHUETT: Join.

2 MR. ANTIKAINEN: Speculation.

3 MS. SCHUETT: Assumes facts not in evidence.

4 THE WITNESS:

5 A He may have for a short while.

6 MR. MC COY:

7 Q Okay. And who was the person that took his place as
8 being at Pabst daily for Sprinkmann?

9 MS. SCHUETT: Objection, form, foundation,
10 assumes facts not in evidence.

11 THE WITNESS:

12 A To my recollection, I don't know that anybody did.
13 Or if they did, I don't remember.

14 MR. MC COY:

15 Q Okay. As field superintendent, did you sign the
16 contracts with any of the customers for the
17 insulation work?

18 A Absolutely not.

19 Q Who signed the contracts?

20 A Would be the estimator. Or --

21 Q Go ahead.

22 A No, no. My recollection, it would be the estimator.

23 Q Okay. Did you get copies then of the contracts
24 sometimes when you had to do superintending work?

25 A Not really, no.

Deposition of Ralph Van Beck - June 26, 2012

51

1 Q What documents did you get on the jobs in order to
2 do your work as superintendent?

3 A What materials were specified. What equipment or
4 piping had to be insulated.

5 Q Okay. So the material specifications, did these
6 usually -- was this usually something then that the
7 estimator would just give you the material
8 specifications, is that how it worked?

9 MS. SCHUETT: Vague as to time.

10 MR. PAGEL: And asked and answered.

11 THE WITNESS:

12 A Are you asking me if the specific materials, or what
13 are you asking me?

14 MR. MC COY:

15 Q Well, you said you would get material specifications
16 on certain jobs. Okay? So my question is, who
17 usually gave you the material specifications?

18 A The estimator.

19 Q Did you ever get the material specifications from
20 customers?

21 A No. I didn't. No. Define for me specification.
22 Are you asking about specific brand names?

23 Q I was using the --

24 A Or generically.

25 Q I was using the word in the way you used it. So I

Deposition of Ralph Van Beck - June 26, 2012

52

1 mean it's your -- you're the one giving the answers.

2 A I'm speaking in generic terms.

3 Q Okay. All right. Why don't you go ahead and tell
4 us then what you would mean when you're talking
5 about specifications. I want to use your terms.

6 A Well, I'm not talking about brand names, I'm talking
7 about generic terms of cold material, to fiberglass,
8 magnesia, whatever. Calcium silicate. Materials
9 like that.

10 Q Okay. Thickness?

11 A Pardon?

12 Q Thickness?

13 A Thicknesses.

14 Q Okay.

15 A What goes on what line.

16 Q Right. Might be calcium silicate, might be
17 magnesia?

18 A Depending on the timeframe.

19 Q Okay. That's the type of specifications you're
20 referring to.

21 A Yes.

22 Q And I understand, you're then not talking about
23 specifications of brand names.

24 A That's correct.

25 Q Okay. So these material specifications, would you

Deposition of Ralph Van Beck - June 26, 2012

53

1 be able to tell if they were prepared by the
2 customer, or prepared by the Sprinkmann estimator,
3 or came from a particular source? Were you able to
4 distinguish that?

5 MR. PAGEL: Objection, asked and answered.
6 He already said he got them orally mostly.

7 MS. SCHUETT: Form, foundation.

8 MR. MC COY: You know, I didn't hear that
9 answer. Okay? Is that somewhere in the record that
10 you can point me to?

11 MR. PAGEL: Yeah. He said it before.

12 MR. MC COY: I don't think we should be
13 telling the witness what his testimony is at these
14 depositions.

15 THE WITNESS:

16 A I said it. Take my word for it.

17 MR. MC COY: Okay.

18 Q All right. So let me see if I can understand then
19 what you mean by these specifications. Where -- did
20 they come from the customers?

21 MS. SCHUETT: Bob.

22 MR. MC COY:

23 Q The written ones.

24 MS. SCHUETT: Bob, you've asked these
25 questions. They have been answered. You're just

Deposition of Ralph Van Beck - June 26, 2012

54

1 repeating yourself and badgering the witness.

2 MR. MC COY:

3 Q Go ahead, Mr. Van Beck, you can answer.

4 A I have nothing to add. What do you want to know?

5 Q Well, the material specifications, you got some in
6 writing, right?

7 MS. SCHUETT: Asked and answered.

8 THE WITNESS:

9 A I got some in writing.

10 MR. MC COY:

11 Q Okay.

12 A They were -- when you -- I told you once, before, we
13 were told what material goes on what line, what
14 pipe. Things like that.

15 Q Did you get like drawings?

16 MS. SCHUETT: Objection, vague as to time,
17 foundation.

18 THE WITNESS:

19 A We may have had drawings on some jobs.

20 MR. MC COY:

21 Q Okay. I mean --

22 MS. SCHUETT: Can we take a break just for
23 the restroom?

24 MR. MC COY: Sure.

25 (Short recess was taken)

Deposition of Ralph Van Beck - June 26, 2012

55

1 MR. MC COY:

2 Q So, Mr. Van Beck, then, tell us what you did in
3 preparation for today's deposition testimony.

4 MS. SCHUETT: I'd object to the extent that
5 he is my client. Our conversations are privileged.
6 Therefore, he doesn't have to answer that question.

7 MR. MC COY: Well, he can say what he had to
8 do. I'm not asking what was -- the communications
9 were. But he can say what he did.

10 THE WITNESS:

11 A I had to be here on time.

12 MR. MC COY:

13 Q Okay. What else did you do?

14 MS. SCHUETT: Unlike plaintiff's counsel.

15 THE WITNESS:

16 A Nothing else.

17 MR. MC COY:

18 Q Did you meet with the attorneys?

19 A Yes.

20 MR. WATSON: Objection to plural attorneys.

21 MS. SCHUETT: Very good. Join.

22 MR. MC COY:

23 Q Did you meet with someone who works for a law firm
24 other than Crivello Carlson?

25 MR. ANTIKAINEN: Object to form.

Deposition of Ralph Van Beck - June 26, 2012

56

1 THE WITNESS: Is that you?

2 MS. SCHUETT: I'm the Crivello Carlson
3 person.

4 THE WITNESS:

5 A Yes.

6 MS. SCHUETT: So he said other than
7 Crivello, Carlson.

8 THE WITNESS:

9 A Oh, other than, no.

10 MR. MC COY:

11 Q Okay. Have you given any testimony since last time?
12 The last time I had -- let me tell you this. I have
13 some testimony in December 22, 2003. Have you given
14 testimony since then?

15 A No.

16 Q You also -- you testified at this --

17 MR. WATSON: I'm going to object right now
18 to the extent that that is in Plaintiff's
19 possession. Owens Illinois has requested all
20 testimony of coworkers or other individuals who
21 would have relevant testimony for the Ahnert action.
22 We have not received production of that.

23 THE WITNESS: Was that 2006?

24 MS. SCHUETT: Uh-hm.

25 THE WITNESS: Then I have to amend that.

Deposition of Ralph Van Beck - June 26, 2012

57

1 MS. SCHUETT: Yes.

2 THE WITNESS:

3 A I have to amend it.

4 MR. MC COY:

5 Q Okay. That's what I was wondering.

6 A Two thousand -- when was it?

7 MS. SCHUETT: June.

8 THE WITNESS:

9 A June 13 of 2006, apparently. Tells you how good my
10 memory is.

11 MR. MC COY: Okay. Just to clarify, then,
12 counsel for Illinois, for Owens-Illinois, is saying
13 then that testimony that's been given by a witness
14 before should always be turned over, is that the
15 position of Owens-Illinois?

16 MR. WATSON: That's not the position of
17 Owens-Illinois.

18 MR. MC COY: Okay.

19 MR. WATSON: I'm pretty sure you heard me
20 correctly, Mr. McCoy. And your mischaracterization
21 of my objection is somewhat upsetting, and also on
22 the record. But more importantly, we had issued
23 requests to produce. We have not received, in
24 response to requests to produce, any transcripts.
25 And to the extent that this transcript -- and,

Deposition of Ralph Van Beck - June 26, 2012

58

1 again, we have not received it from your office --
2 would fall within that request to produce. We are
3 now objecting to your use of that testimony.

4 MR. MC COY: Okay. I guess I appreciate
5 hearing your position on the record. So it's
6 certainly something that should be dealt with in the
7 cases before Judge Strawbridge. And it's -- your
8 position is so noted.

9 Q Okay. Now, let's move on for a moment here, Mr. Van
10 Beck. So the 2006 testimony was given. Do you know
11 in what case?

12 A I have no -- no.

13 Q Was Crivello Carlson your lawyers for that
14 testimony, too?

15 A Ask her. I don't know.

16 Q Did you have a lawyer for that testimony?

17 A Yes, I believe so. If I had a deposition, there was
18 probably a lawyer.

19 Q Was it an asbestos case?

20 A I don't even remember the case.

21 MS. SCHUETT: Asked and answered. So he
22 doesn't remember.

23 MR. MC COY:

24 Q Do you have a list somewhere of your testimony, or
25 does somebody keep one for you?

Deposition of Ralph Van Beck - June 26, 2012

59

1 A I don't have any.

2 Q Does somebody keep one for you?

3 A I don't know.

4 Q Have you always had the same law firm that
5 represents Sprinkmann also be your attorneys for
6 asbestos cases?

7 A I have no idea.

8 MS. SCHUETT: This is outside the scope of
9 this case. I mean this is about the exposures,
10 alleged exposures of Mr. Ahnert. And we're really
11 going far afield to talk about facts relevant to
12 that case.

13 MR. MC COY:

14 Q All right. I want to stay with my questions for a
15 minute. And I just need to know your background in
16 asbestos case work. And that's what I'm asking you
17 about.

18 A Ask again.

19 Q Okay. My question was, have you always had as your
20 counsel in the asbestos cases, when you've had
21 testimony, the same lawyers as the ones that
22 represent Sprinkmann? Meaning law firm.

23 A I don't know. I never paid any attention to it.

24 Q Okay. When you testified at the -- you remember
25 testifying at the Beatty trial, right?

Deposition of Ralph Van Beck - June 26, 2012

60

1 A No.

2 Q In Milwaukee.

3 MS. SCHUETT: He said no.

4 THE WITNESS:

5 A When was it?

6 MR. MC COY:

7 Q You had to come down and testify in court?

8 A I don't remember who it was for. Or what it was
9 for. I did testify. I remember testifying in
10 court. I don't know when it was. I don't know who
11 it was for.

12 Q Okay. You were still employed by Sprinkmann, at
13 that time, right?

14 A I believe I may have been.

15 Q Okay. Did you do some work at Point Beach?

16 MS. SCHUETT: Objection. At least based on
17 my information, Mr. Ahnert did not work at Point
18 Beach. And to that extent, there's no reason he
19 should be asked questions about Point Beach.

20 MR. MC COY: Okay. We'll bring him back for
21 another deposition.

22 Q All right. We'll move on.

23 A Be on time.

24 Q Oh, I will. Now that I know the location. It's
25 nice.

Deposition of Ralph Van Beck - June 26, 2012

61

1 MR. WATSON: Plaintiff's notice for the
2 location.

3 MS. SCHUETT: You booked it.

4 MR. MC COY: All right.

5 MS. SCHUETT: And with respect to your
6 threat of another deposition, the scope of this
7 deposition you are very well aware of, and you know
8 that that site is not a site that Mr. Ahnert worked
9 at, so you know you're out of bounds there.

10 MR. MC COY: I don't know. Don't know that.
11 That's, again, a matter that the judge is resolving.

12 MS. SCHUETT: So it's your position we're
13 not limited to the sites that Mr. Ahnert worked at,
14 is that --

15 MR. MC COY: Laura, you're talking about a
16 series of briefs and motions that have been filed,
17 and are pending before Judge Strawbridge, and are
18 still ongoing, so I really don't want to take up Mr.
19 Van Beck's time with all that. But I'm just
20 saying --

21 THE WITNESS:

22 A You didn't mind being late.

23 MR. MC COY: -- saying that, you know, we
24 may, you know, if we have to bring him back for more
25 depositions because I'm not allowed to ask questions

Deposition of Ralph Van Beck - June 26, 2012

62

1 here, that's all I can say.

2 MS. SCHUETT: Okay. Mr. McCoy, the notice
3 of deposition, which was set here at this location
4 by your office, only listed Ahnert, the amended
5 notice, and Ahnert worked at certain sites, and
6 those are the only questions that are relevant for
7 this witness. Okay? So go ahead.

8 MR. MC COY:

9 Q All right. Let's go back to this Pabst Brewery for
10 a moment. Okay. I was asking you about, before,
11 work that you did as a member of Local 19. After
12 you became field superintendent, what work did you
13 have that was associated with Pabst Brewery?

14 MR. ANTIKAINEN: Object to form, foundation,
15 assumes facts.

16 THE WITNESS:

17 A I have no recollection what exactly work we did
18 there.

19 MR. MC COY:

20 Q At the Miller Brewery, did you know a guy named Joe
21 Settle, or Sender, something like that?

22 MS. SCHUETT: Objection, multiple.

23 THE WITNESS:

24 A What?

25 MR. MC COY:

Deposition of Ralph Van Beck - June 26, 2012

63

1 Q At Miller.

2 A Who was he?

3 Q He was a insulator.

4 A Do I know a name of that name?

5 Q Yes.

6 A I think I know who you're talking about.

7 Q Go ahead.

8 A James Seddick.

9 Q Yes. Okay. James Seddick. All right. So did he
10 work there at Miller for Sprinkmann often?

11 MS. SCHUETT: Objection, form, as to often.

12 THE WITNESS:

13 A Did he work there often? Is that what you asked?

14 MR. MC COY:

15 Q Uh-hm.

16 A Yes.

17 Q Okay. Was he the guy who was there usually after
18 Wandsnider?

19 MS. SCHUETT: Objection, form, foundation.

20 THE WITNESS:

21 A Yes.

22 MR. MC COY:

23 Q You know, these guys who were at -- who were
24 Sprinkmann employees that were stationed at a
25 particular customer, you know, on a regular basis

Deposition of Ralph Van Beck - June 26, 2012

64

1 like that, were you the one who would --

2 MS. BENNETT: Object to form.

3 MR. MC COY:

4 Q -- pick these guys?

5 MS. SCHUETT: Object to form, vague as to
6 time, outside the scope of the sites involved in Mr.
7 Ahnert's case.

8 THE WITNESS: I answer?

9 MS. SCHUETT: If you can.

10 THE WITNESS:

11 A So do you ask me if I picked them?

12 MR. MC COY:

13 Q Yes. Right. After you became field superintendent.

14 A Yes.

15 Q Okay. And how -- what was your factors that you
16 consider, let's say, in picking Mr. -- say his name
17 again, the guy at Miller.

18 A Seddick. Jimmy, James Seddick.

19 Q Right. What was the factors that you considered in
20 picking Mr. Seddick to be the guy who was there for
21 Sprinkmann every day?

22 MS. BENNETT: Objection.

23 MS. SCHUETT: Objection, form, foundation.
24 Not reasonably calculated to lead to discoverable
25 evidence. It's not relevant to the case.

Deposition of Ralph Van Beck - June 26, 2012

65

1 MR. MC COY: Part of the problem is your
2 objections are being made before I even finish my
3 questions. So you're going to have to slow up on
4 your objections.

5 MS. SCHUETT: Well, go ahead.

6 MR. MC COY: Okay? I'll start again. And
7 then after I finish, you go ahead and object.

8 MS. SCHUETT: Okay.

9 MR. MC COY:

10 Q So my question is, what were the factors that you
11 considered as field superintendent in picking Mr.
12 Seddick to be the Sprinkmann person who was there at
13 Miller on a daily basis?

14 MS. SCHUETT: Object to the extent that this
15 question does not relate to the time that the
16 plaintiff in this action worked there. Therefore,
17 it's outside the scope of this deposition.

18 THE WITNESS: Answer?

19 MS. SCHUETT: If you know.

20 MR. MC COY:

21 Q Go ahead.

22 A Well, I decided if he was trustworthy, if he was a
23 qualified insulator. And a big thing was, could he
24 get along with the customer.

25 Q Okay. And when you say get along with the customer,

Deposition of Ralph Van Beck - June 26, 2012

66

1 what -- what's the reason for that concern? Is
2 there particular people at the customer who the
3 Sprinkmann guys have to deal with? Or what's the --

4 A Some people are hard to get along with.

5 Q Was there somebody who worked for Miller that you
6 dealt with?

7 A Yes.

8 Q Who was that?

9 A There was -- give me a minute. There was a fella I
10 remember by John Graf. There was another one, and I
11 can't -- oh, there were several people that I dealt
12 with. What is the timeframe on this?

13 Q The timeframe I'm talking about is after --

14 A Any time?

15 Q After you became field superintendent, yes.

16 MS. SCHUETT: I would just object again to
17 the extent that that goes beyond when this plaintiff
18 worked at this site.

19 MS. BENNETT: Join.

20 MS. SCHUETT: So based on we're talking
21 about Miller, and based on your Answers to
22 Interrogatories, that would be from 1965 to 1969.
23 So any timeframe outside of that would be
24 irrelevant.

25 MR. MC COY: Well, I don't agree with that

Deposition of Ralph Van Beck - June 26, 2012

67

1 objection. But let's go on.

2 THE WITNESS:

3 A I don't remember. There were several people. Three
4 or four. Maybe six. I might deal with any one of
5 their engineers that had a problem with something.

6 MR. MC COY:

7 Q Did you -- you know the Byron Nuclear Power Plant,
8 right?

9 A Yes.

10 Q So what work did you have to do in connection with
11 Byron Nuclear Power Plant?

12 A Never had anything to do with it.

13 Q Can you tell us who at Sprinkmann dealt with
14 concerns about work at Byron Nuclear Power Plant?

15 MS. SCHUETT: Object to form, foundation.

16 THE WITNESS:

17 A I don't know that we had any work there, that I
18 remember. I was never near the place.

19 MR. MC COY:

20 Q All right. How about the Zion Nuclear Power Plant,
21 you know that one, too, right?

22 A No.

23 Q Are you saying you don't know the plant, or that you
24 don't know any work that Sprinkmann did there?

25 A I don't know the plant. Oh, excuse me. What did

Deposition of Ralph Van Beck - June 26, 2012

68

1 you ask me?

2 Q Zion Nuclear Power Plant.

3 A Oh, I'm sorry, I thought you said design.

4 Q Right.

5 A I know of Zion, and that's all I know. We had
6 nothing to do with it.

7 Q Okay. Are you saying Sprinkmann had no work at
8 Zion?

9 A Not that I'm aware of.

10 Q Okay. Well, let's ask the other -- about the other
11 Zien then, in the sense of Zien Mechanical, Zien
12 Plumbing & Heating. Are you familiar with that
13 company?

14 A Yes.

15 Q Okay. Was that company a contractor that sometimes
16 hired Sprinkmann as a subcontractor?

17 MS. SCHUETT: Object to the extent that that
18 goes beyond the scope of this case, and this
19 deposition. Only to the extent that that contractor
20 may have been involved with Ahnert could be relevant
21 here.

22 THE WITNESS:

23 A I know, yes, yes, they did work for them.

24 MR. MC COY:

25 Q Okay. As Zien Plumbing & Heating work for

Deposition of Ralph Van Beck - June 26, 2012

69

1 Sprinkmann -- I'm sorry -- Zien Plumbing & Heating
2 would hire Sprinkmann as subcontractors, right?

3 MS. SCHUETT: Same objection.

4 THE WITNESS:

5 A At times.

6 MS. SCHUETT: Also calls for a legal
7 conclusion.

8 MR. MC COY:

9 Q So what -- in a situation where Zien is the
10 contractor, and Sprinkmann is working as a
11 subcontractor, what role do you have as field
12 superintendent to interact with the principle
13 contractor?

14 MS. SCHUETT: Object, form, foundation,
15 vague as to time, outside the scope of this case,
16 unless you pin it in to a timeframe that's relevant.

17 THE WITNESS:

18 A Well, I would talk to the foreman to see what
19 systems were ready to be insulated, and basically
20 that's the extent of it. And I would see that it
21 got done.

22 MR. MC COY:

23 Q When you say talk to the foreman, do you mean a
24 foreman for Zien or a Sprinkmann foreman?

25 A Zien.

Deposition of Ralph Van Beck - June 26, 2012

70

1 Q Did you know a LeRoy Ruttinger (phonetic)?

2 A No.

3 Q Who was the foreman you remember at Zion?

4 A I don't remember any foreman at Zion.

5 Q The work that Sprinkmann did at Miller, was that
6 usually direct hire of Sprinkmann by Miller, or was
7 that through other contractors, or some combination
8 of the two?

9 MS. SCHUETT: Objection to the extent that
10 this case only deals with Milwaukee -- Miller
11 Brewery from '65 to '69, and so your question should
12 be limited in that way as well.

13 MS. BENNETT: Join.

14 MS. SCHUETT: You can answer if you can.

15 THE WITNESS:

16 A I can't -- it could be in both cases. I can't be
17 definite on it.

18 MR. MC COY:

19 Q So when did Sprinkmann tell the Local 19 insulators
20 that were working for Sprinkmann to use some type of
21 safety protective measures for asbestos? When did
22 that start?

23 MS. SCHUETT: Objection, form, foundation.

24 THE WITNESS:

25 A I would suspect when OSHA brought out the warnings.

Deposition of Ralph Van Beck - June 26, 2012

71

1 MR. MC COY:

2 Q Is that like about 1972?

3 A It's probably in that area, yes.

4 Q Okay. And as field superintendent, what role did
5 you have as far as input or implementation of
6 asbestos safety protections?

7 MS. SCHUETT: With respect to these sites
8 are you talking about?

9 THE WITNESS:

10 A We weren't using asbestos. At that time. We didn't
11 use any. When OSHA said it's dangerous, you can't
12 use it, we didn't use it.

13 MR. MC COY:

14 Q Well, I'm talking about any removal of something
15 that was in place, as part of my question.

16 MS. SCHUETT: Vague, form, foundation.

17 THE WITNESS:

18 A There were -- there were no set standards for
19 asbestos removal back then.

20 MR. MC COY:

21 Q Okay. So let me see if I understand something. So
22 what were the instructions that Sprinkmann was
23 giving to the Local 19 people about asbestos? Who
24 were employed by Sprinkmann.

25 MS. SCHUETT: Form, foundation, vague as to

Deposition of Ralph Van Beck - June 26, 2012

72

1 time, outside the scope of this case.

2 THE WITNESS:

3 A I can't answer you. I don't know what -- you
4 know -- what are you saying? When asbestos became
5 illegal, we didn't use it. You know. There were a
6 lot of vagaries about it, but there was no definite
7 time until OSHA came out that it was, you know, you
8 shouldn't use it.

9 MR. MC COY:

10 Q Okay. Well, what were the vagaries?

11 A Well, there was rumors flying all over the place.

12 MS. SCHUETT: You're seeking a legal
13 conclusion as well that's inappropriate. Object to
14 that.

15 THE WITNESS:

16 A I had no definite concrete information, that I know
17 of.

18 MR. MC COY:

19 Q Okay. Tell me what the rumors were that were flying
20 around.

21 A That it could be dangerous.

22 Q And where did you start hearing those rumors?

23 A I have no idea.

24 Q When?

25 A Probably in very late -- early -- early 70s.

Deposition of Ralph Van Beck - June 26, 2012

73

1 Q Was this information communicated by Sprinkmann to
2 the Local 19 members? The rumors?

3 MS. SCHUETT: Objection, form, foundation,
4 vague as to time. The use of the word rumors is
5 vague.

6 THE WITNESS:

7 A No. Not that I recall they weren't.

8 MR. MC COY:

9 Q As far as boiler installations are concerned, the
10 boilers that were used at the schools, or hospitals,
11 that size of boilers, did you work on those as a
12 Local 19 member?

13 MS. SCHUETT: Objection, outside the scope
14 for this deposition. There's no, as far as I see,
15 any schools or hospitals listed as sites of Ahnert.

16 MR. LORINGER: Also vague and overbroad.

17 MR. MC COY:

18 Q Go ahead.

19 A What are you asking, if I ever worked on a boiler?

20 Q Well, those types of boilers like the kind used at
21 schools.

22 A I may have.

23 Q As a Local 19 member?

24 A Yes.

25 MR. LORINGER: Same objection.

Deposition of Ralph Van Beck - June 26, 2012

74

1 MS. SCHUETT: Join.

2 MR. MC COY:

3 Q What were the procedures followed in insulating
4 those?

5 MR. LORINGER: Objection.

6 MS. SCHUETT: Objection. Again, it's
7 outside the scope of this case. There is no school,
8 that I see here, or hospital, boiler, involved in
9 this case. There's no relevance to the question.
10 So don't answer.

11 MR. LORINGER: Also form, foundation.

12 MR. MC COY: You're instructing him not to
13 answer on relevance?

14 MS. SCHUETT: No, you're asking a question
15 about a site that's not listed in this case.

16 MR. MC COY:

17 Q You can answer that question.

18 A No, I'm not answering.

19 MR. MC COY: Let's move on.

20 MS. SCHUETT: If you want to ask him about
21 something he did at a site that's listed in this
22 Ahnert case, that's fine.

23 MR. MC COY:

24 Q Mr. Van Beck, I suppose that your counsel has spoken
25 to you about the rules of depositions, and you've

Deposition of Ralph Van Beck - June 26, 2012

75

1 been hearing about that from your counsel.

2 MS. SCHUETT: I move to strike that comment.

3 MR. MC COY: I'm not asking him what the
4 communications were, please, okay? Like I said, I
5 really need to finish my questions before I get an
6 objection. It's the second time I've had to say it.

7 MS. SCHUETT: Well, we waited 40 minutes for
8 you, so I think we're at least even.

9 MR. MC COY: And as you know, in the past,
10 I've many times rescheduled matters for your law
11 firm.

12 MS. SCHUETT: As have we for you, sir.

13 THE WITNESS: Let's not bicker, children.

14 MR. MC COY: And that's exactly right, Mr.
15 Van, Beck so let's move on. This is Mr. Van Beck's
16 deposition. Okay? So that's my point. All right.
17 Q Now, what I need to know, though, is everything that
18 you know from your knowledge, because this is your
19 deposition, and as you understand, the attorneys
20 have rights to make objections. But I'm certainly
21 going to be pursuing answers to the questions, and I
22 just want to let you know that simply because
23 there's an objection made, that doesn't mean that
24 from my perspective I'm saying, or I'm agreeing with
25 the objection. I want to hear what information you

Deposition of Ralph Van Beck - June 26, 2012

76

1 have.

2 MR. WATSON: Objection, move to strike.

3 That's not a question. That is an instruction to a
4 witness.

5 MS. SCHUETT: Join.

6 MR. MC COY: All right.

7 Q So having said that, is it your testimony that
8 Sprinkmann never had a job at the Zion Nuclear Power
9 Plant?

10 A That's correct.

11 Q Okay. And what is your basis for saying that? Is
12 that because you never personally heard about it?
13 Or is it from some list of jobs? Or why would you
14 be able to make that statement?

15 MS. SCHUETT: Objection to the extent that
16 this is not a person most knowledgeable deposition.
17 This is a deposition of a fact witness regarding
18 certain sites in this case. He can only say what he
19 knows. He's not speaking on behalf of Sprinkmann.
20 Okay?

21 MR. MC COY: So he can answer.

22 MS. SCHUETT: He's a former employee of
23 Sprinkmann.

24 MR. MC COY:

25 Q You can answer.

Deposition of Ralph Van Beck - June 26, 2012

77

1 A I don't know what you want to know. Do I know
2 anything about Zion? I know where it is. Period.

3 Q Okay. I just want to -- I just am trying to
4 understand how you can be confident that Sprinkmann
5 never had a job at Zion.

6 MS. SCHUETT: That he's aware of. That's
7 all he's saying. If you want to depose a PMK, you
8 can.

9 THE WITNESS:

10 A Well, I have no -- as far as I know, I've never
11 heard of Sprinkmann at Zion. I don't know of
12 Sprinkmann at Zion. That's it. I know of Zion.
13 Period. I can't get any clearer than that.

14 MR. MC COY:

15 Q Did you have to approve the billing that would go
16 out to customers on some jobs?

17 A Absolutely not.

18 Q Okay. The Pabst Brewery in Milwaukee, as a field
19 superintendent, what work did you have at the Pabst
20 Brewery?

21 MR. ANTIKAINEN: Objection, asked and
22 answered.

23 THE WITNESS:

24 A I have no recollection of that.

25 MR. MC COY:

Deposition of Ralph Van Beck - June 26, 2012

78

1 Q Can you tell us what jobs you have recollection of
2 that you were doing as a field superintendent?

3 MR. ANTIKAINEN: Objection, vague. Are you
4 talking at Pabst, or are you talking just generally?

5 THE WITNESS:

6 A There's so many, I can't -- I couldn't rattle them
7 off. I told you, I never kept a journal. I did
8 them, and that was it. You asking me where I had
9 jobs, where I did jobs all over -- God, there were
10 so many, I don't know. They were all over the
11 place.

12 MR. MC COY:

13 Q How about the Schlitz Brewery, did you work there as
14 a member of Local 19?

15 A Yes.

16 Q When did you work at Schlitz Brewery?

17 A Well, prior to 1966 sometime.

18 Q Was it in the earlier years when you first started
19 with Sprinkmann, or was it later in your years with
20 Local 19?

21 A I don't know. It could have been any time in
22 between I started and when I became field
23 superintendent.

24 Q Okay. What jobs do you remember at Schlitz?

25 A I don't remember any jobs. I remember covering

Deposition of Ralph Van Beck - June 26, 2012

79

1 pipes. I don't know what systems they were. But I
2 worked there, so obviously I was doing something.

3 Q How many jobs did you work at Schlitz?

4 A I have no idea.

5 Q More than two?

6 MS. SCHUETT: Asked and answered.

7 Objection.

8 THE WITNESS:

9 A I have no idea.

10 MR. MC COY:

11 Q As a field superintendent, did you have work
12 associated with Pabst?

13 MR. ANTIKAINEN: Objection, asked and
14 answered. Twice at least now.

15 THE WITNESS:

16 A Wasn't that asked?

17 MS. SCHUETT: Yes.

18 THE WITNESS:

19 A I thought it was. I may have.

20 MR. MC COY:

21 Q Did I put Schlitz in that question, or did I --

22 MR. ANTIKAINEN: No, you put Pabst.

23 THE WITNESS:

24 A No, you put Pabst in that question.

25 MR. MC COY:

Deposition of Ralph Van Beck - June 26, 2012

80

1 Q I meant to ask for Schlitz.

2 A May have.

3 MR. ANTIKAINEN: Sir, could you let him ask
4 the question before you answer please?

5 THE WITNESS:

6 A I'm in a hurry.

7 MR. ANTIKAINEN: I know. I understand that.
8 Bob, I'm not sure there's a question pending. Could
9 you ask it again?

10 MR. MC COY:

11 Q As a field superintendent, Mr. Van Beck, did you
12 have work associated with the Schlitz Brewery?

13 MR. ANTIKAINEN: Object to form.

14 THE WITNESS:

15 A When did Schlitz close?

16 MR. MC COY:

17 Q You know, that's a good question. I used to like
18 their beer commercials.

19 A That would base my answer on, that if I knew when it
20 closed.

21 Q I can't tell you, other than late --

22 A Well, I can't remember.

23 Q -- sometime after the mid 70s.

24 MS. SCHUETT: Well, this witness stopped
25 working there in the 60s. So. Not this witness,

Deposition of Ralph Van Beck - June 26, 2012

81

1 but this plaintiff. So any questions regarding the
2 timeframe about that would not be relevant to this
3 deposition.

4 MR. MC COY: And, again, if we need to bring
5 back Mr. Van Beck because of some of these
6 instructions not to answer, I certainly reserve the
7 right to do that. For the Ahnert case. As well as
8 for other cases.

9 MS. SCHUETT: You have that right in other
10 cases, as you know.

11 MR. MC COY:

12 Q You know, I was told several years ago that you had
13 some issues, and I won't ask you to describe any
14 health issues, but I was told you had health issues
15 that would limit your abilities to give testimony.
16 Is that still a concern for you today?

17 MS. SCHUETT: Object to form, foundation.
18 You don't have to answer that question.

19 THE WITNESS:

20 A No. I won't answer it.

21 MS. SCHUETT: He's over 80 years old. Okay?
22 He has difficulty --

23 THE WITNESS:

24 A I've got all kinds of problems.

25 MS. SCHUETT: Difficulty walking.

Deposition of Ralph Van Beck - June 26, 2012

82

1 THE WITNESS:

2 A Bad knees, bad hips.

3 MR. MC COY:

4 Q I just want to find out, though, I mean if we have
5 to have you come to testify someplace again, is
6 there some limitations on your abilities to provide
7 that testimony if we need it down the road?

8 MS. SCHUETT: Probably if plaintiff's
9 counsel would come on time instead of 40 minutes
10 late, I'm sure that would help whatever witness
11 you're deposing.

12 THE WITNESS:

13 A You asking me can I -- would I be able to be
14 deposed? I'm here.

15 MR. MC COY:

16 Q Yes.

17 A So obviously yes.

18 Q Okay. So, in other words, you don't -- your health
19 concerns don't preclude you from giving additional
20 testimony.

21 A At this time, no.

22 Q Okay. That's all I wanted to know. Did you ever
23 have a role in the preparing the paperwork to obtain
24 the materials?

25 A Did I ever have a role in --

Deposition of Ralph Van Beck - June 26, 2012

83

1 Q Preparing the paperwork to --

2 A I may have written an order for materials to be
3 delivered to a particular job.

4 Q Okay. Is that something you did very often, or was
5 that just a rare --

6 A No. I would do it periodically for jobs.

7 Q Okay.

8 A Write an order to the warehouse, and they deliver it
9 to a particular job.

10 Q Why would you be doing that, as opposed to like the
11 estimator, or the foreman working in the field?

12 MS. SCHUETT: Object to the extent that's
13 outside the scope of this deposition and these job
14 sites.

15 MR. MC COY:

16 Q Go ahead.

17 MS. SCHUETT: You can answer if you can.

18 THE WITNESS:

19 A Why would I do it?

20 MR. MC COY:

21 Q Right. As opposed to like the estimator, or the
22 foreman on the job.

23 A Because I was the closest one to the job. And if I
24 knew material was needed, I would order it if it
25 pertained to that job.

Deposition of Ralph Van Beck - June 26, 2012

84

1 MS. SCHUETT: How much more do you have,
2 Bob? I'm just looking at the clock. It's 12:27. I
3 don't know how many questions other people have in
4 the room. Do other people have questions?

5 MR. MC COY: I might have another -- I doubt
6 it's more than 15 minutes.

7 MS. SCHUETT: How about the rest of you? I
8 think a total of what, a half hour, or something
9 like that?

10 MR. WATSON: I have probably 15 to 20.

11 MS. SCHUETT: Are you hungry?

12 THE WITNESS: I'm always hungry.

13 MS. SCHUETT: Me too. Would you want to
14 take a break?

15 (Short pause)

16 MR. MC COY:

17 Q So as field superintendent, did -- what do you know
18 about Sprinkmann providing safety instructions on to
19 customers for asbestos that was already in place?

20 MS. SCHUETT: Objection, form, foundation,
21 vague as to time, outside the scope of these sites.

22 THE WITNESS:

23 A I don't know of any.

24 MR. MC COY:

25 Q When did you become vice president?

Deposition of Ralph Van Beck - June 26, 2012

85

1 A Oh, God. In the 80s. Mid 80s, I believe.

2 Q And what was the reason why they added vice
3 president to your title?

4 A They thought I earned it.

5 Q If someone said that Sprinkmann was using
6 asbestos-containing materials for 80 percent or 90
7 percent of the work at Miller Brewery, would you
8 have any basis for agreeing or disagreeing with that
9 statement?

10 MS. SCHUETT: Objection.

11 MS. BENNETT: Objection.

12 MS. SCHUETT: Form, foundation, vague as to
13 time.

14 MR. MC COY:

15 Q Go ahead.

16 MR. WATSON: And I'm going to object.
17 You're asking the witness to provide character
18 testimony of an unnamed individual.

19 THE WITNESS:

20 A Repeat the question.

21 MR. MC COY: Can you just read it back?

22 (Question read)

23 THE WITNESS:

24 A Is this -- what timeframe is this? While I was
25 field superintendent?

Deposition of Ralph Van Beck - June 26, 2012

86

1 MR. MC COY:

2 Q I'm talking about the timeframe before OSHA.

3 A I can't answer that. My thing would be that no,
4 they didn't supply that much asbestos.

5 Q And why do you think that?

6 A I'm guessing.

7 Q Okay. Just a guess. I'm sorry, your --

8 A Yes.

9 Q He's got to have a yes or no to take it down.

10 A Well, I understand that.

11 Q All right. Okay. So would the same be true for the
12 Schlitz Brewery, that you don't know what percentage
13 of the materials that Sprinkmann installed before
14 OSHA were asbestos-containing?

15 A That's correct.

16 Q And you don't know what brands were installed at
17 Schlitz, is that right?

18 A That's correct.

19 Q For Oak Creek Power Station, Lakeside Power Station,
20 Ladish, Port Washington, would your answers also be
21 that you are unable to say what percentage of the
22 materials that Sprinkmann delivered were
23 asbestos-containing before OSHA?

24 MS. SCHUETT: Form, foundation, assumes
25 facts not in evidence.

Deposition of Ralph Van Beck - June 26, 2012

87

1 THE WITNESS:

2 A Yes.

3 MR. MC COY:

4 Q Would the same then be true for Miller and Pabst,
5 that you would be unable to say what portions of
6 materials that Sprinkmann delivered before OSHA were
7 asbestos-containing?

8 MS. BENNETT: Objection, asked and answered.

9 MR. ANTIKAINEN: Objection, asked and
10 answered.

11 THE WITNESS: I got to slow down.

12 MR. MC COY: We'd be moving right along if
13 we did not have objections.

14 MR. ANTIKAINEN: But then our clients'
15 interests wouldn't be represented, and there would
16 be no use for us here, would there?

17 MR. MC COY: No, I'm not quibbling with the
18 right to make it. It would be -- slows it down a
19 lot.

20 Q Okay. So was there ever a time when Sprinkmann
21 developed any instructions, or made communications
22 to customers about in-place asbestos-containing
23 materials, and safety concerns of those materials?

24 MS. SCHUETT: Objection to form, foundation,
25 vague as to time, and overly broad. Based on the

Deposition of Ralph Van Beck - June 26, 2012

88

1 scope of this case.

2 THE WITNESS:

3 A That would have been outside of my job description.

4 MR. MC COY:

5 Q Okay. So are you saying you don't know about such
6 matters?

7 A Yeah. I don't know if they did or not. It was not
8 my place to know what they were doing.

9 Q At the Oak Creek Power Station, was there a person
10 that you communicated with who was employed by the
11 electric company on any of the superintending work?

12 A You know, there's -- I dealt with many different
13 people. You're talking while I was field
14 superintendent?

15 Q Yes.

16 A I don't -- I can't give you a specific name.

17 Q Okay.

18 A No, I can't. No.

19 Q Did you get specification information about the
20 materials to be used at the WEPCO facilities before
21 OSHA?

22 A Did I get them?

23 Q Yes.

24 A What type of materials to be -- I got what type of
25 materials went on what type of pipe, what kind of

Deposition of Ralph Van Beck - June 26, 2012

89

1 pipeline.

2 Q Okay. And where did those come from?

3 A From the office. From the estimator.

4 Q Sprinkmann office.

5 A Yeah.

6 Q Do you know if they were prepared by Sprinkmann, or
7 if they were prepared by the electric company?

8 A I don't know.

9 Q How about at Miller, did you get specifications
10 before OSHA about the materials to be used?

11 A As I repeated, it's the same answer I gave you
12 before. Whatever went -- I was told what went on
13 particular pipelines.

14 Q Okay. And, again, this would be from the
15 estimators?

16 A Yeah.

17 Q Was there anything in writing that you recall about
18 Miller specifications?

19 MS. SCHUETT: Objection, vague, form,
20 foundation.

21 THE WITNESS:

22 A There were job tickets issued for a particular job.
23 You know. Insulate this or that, whatever.

24 MR. MC COY:

25 Q That's job --

Deposition of Ralph Van Beck - June 26, 2012

90

1 A They were not very detailed, though.

2 Q Right. That was job by job at Miller.

3 A Yes.

4 Q Okay. How about like at the electric company, did
5 you get like a standing set of specifications for
6 the materials?

7 A While I was field superintendent, I really never --
8 I didn't have that. That was basically the realm of
9 the estimator.

10 Q Okay. What about Pabst, was that a situation that
11 was also job by job on the tickets for the whatever
12 specification information that you saw?

13 A I had no hand in specifying anything. That came
14 from the office.

15 Q For Pabst.

16 A Yeah.

17 Q Okay.

18 MR. ANTIKAINEN: Sorry, Bob, didn't mean
19 to -- just going to object to the vague nature of
20 that question. The previous question. Sorry for
21 interrupting, Bob.

22 MR. MC COY:

23 Q Is that true for all the jobs while you were field
24 superintendent, that you had no hand in specifying
25 the materials as far as the types of materials?

Deposition of Ralph Van Beck - June 26, 2012

91

1 MS. SCHUETT: Objection, vague.

2 THE WITNESS:

3 A That's correct.

4 MS. SCHUETT: You can answer.

5 THE WITNESS:

6 A That's correct.

7 MR. MC COY:

8 Q What if there was a question on the job about is it
9 thick enough, or is it, you know -- is the surface
10 smooth enough, or prepared right, did you get
11 involved in those kinds of questions?

12 MS. SCHUETT: Objection, form, foundation,
13 multiple, vague as to time.

14 THE WITNESS:

15 A Well, the thickness was generally came with the job
16 description. You did this on that line, and that on
17 that line. And just specified thicknesses.

18 MR. MC COY:

19 Q Okay. So, but my question was, did you get involved
20 in those kinds of issues if they came up?

21 A No.

22 Q Is it fair to say your work was more on the order of
23 the personnel that Sprinkmann was providing for the
24 jobs, and whether they're doing it right or not?

25 A That's correct. That's why they called it a field

Deposition of Ralph Van Beck - June 26, 2012

92

1 superintendent.

2 Q Okay. And I assume another function that you would
3 have is if the materials weren't getting there
4 timely, that you might have to get involved in that?

5 A Yes.

6 Q Can you tell us whether Zien Plumbing & Heating had
7 work on any of these job sites? And I'll just run
8 them off real quick. Miller?

9 A I have no idea.

10 Q Pabst?

11 A I have no idea.

12 Q Schlitz?

13 A No. No idea.

14 Q Port Washington?

15 A Don't have any idea.

16 Q Ladish?

17 A I have no idea.

18 Q Lakeside Power?

19 A I have no idea.

20 Q Oak Creek Power Station.

21 A No.

22 Q Did you say no, they did not?

23 A That's -- well, I'm saying I don't know.

24 Q Okay. Did you have any role in choosing what brands
25 of insulation materials were kept in the Sprinkmann

Deposition of Ralph Van Beck - June 26, 2012

93

1 warehouse?

2 MS. SCHUETT: Objection, asked and answered,
3 I think.

4 THE WITNESS:

5 A No.

6 MR. MC COY:

7 Q As an insulator working at Oak Creek Power Station,
8 did you have to do unloading of any materials?

9 MS. SCHUETT: Object to the extent that that
10 predates the time that this plaintiff was at Oak
11 Creek, so I don't think it's relevant. You can
12 answer.

13 THE WITNESS:

14 A I don't know. It's conceivable I might have
15 unloaded some material while I worked there. I
16 don't remember that. My God, man.

17 MS. SCHUETT: Any other questions, Bob?

18 MR. MC COY: Just checking here. I don't
19 have that 2006 testimony. Did you have a copy of
20 that?

21 MS. SCHUETT: I do not.

22 MR. MC COY:

23 Q Have you ever received any compensation for any work
24 that you've done testifying in asbestos cases,
25 besides subpoena fees?

Deposition of Ralph Van Beck - June 26, 2012

94

1 A No.

2 Q And you're saying you don't know what brand of
3 products was used at Oak Creek Power Station, is
4 that right?

5 A That's right.

6 Q You don't know what brand was used at Lakeside Power
7 Station, right?

8 A No.

9 Q Do not know.

10 A I have no idea. I don't know. I can't specify what
11 was used.

12 Q Right. You don't know what brand was used at
13 Ladish, right?

14 A No.

15 Q Do not know.

16 A No, I don't know.

17 Q Port Washington Power Plant, you don't know what
18 brand was used there?

19 A I do not.

20 Q And the same for Miller, Pabst and Schlitz, you
21 don't know what brands were used there.

22 A That's correct.

23 Q And what's your understanding of calcium silicate,
24 can you describe what you, you know, not as a
25 chemist, you're obviously not, but what you

Deposition of Ralph Van Beck - June 26, 2012

95

1 understand calcium silicate to be?

2 MR. WATSON: Objection, vague.

3 THE WITNESS:

4 A It's a -- calcium silicate pipe insulation is meant
5 for insulating hot piping.

6 MR. MC COY:

7 Q And magnesia insulation, what do you understand that
8 to be?

9 A Same purpose.

10 Q Is there a difference in the temperature ranges at
11 which they are going to be used, or are they --

12 A I'm not familiar with temperature. If there is a
13 slight variation, I don't know what it is.

14 Q Okay. So as far as you're concerned, they're both
15 interchangeable.

16 MS. SCHUETT: Objection, form, foundation,
17 misstates the testimony.

18 MR. WATSON: Object.

19 THE WITNESS:

20 A They're both interchangeable?

21 MR. MC COY:

22 Q Yes.

23 A Not today they're not.

24 Q Well, let's talk -- I want to talk about the time
25 period before the OSHA regulation.

Deposition of Ralph Van Beck - June 26, 2012

96

1 MS. SCHUETT: Objection, form, foundation,
2 overly broad vague.

3 THE WITNESS:

4 A I don't know -- well, I don't even know if calsil
5 was there before then. I suppose it would be
6 interchangeable.

7 MR. MC COY:

8 Q Okay. When do you first remember calsil?

9 A I don't remember -- I don't remember when it came
10 in.

11 Q Calsil is the same as calcium silicate?

12 A Yes. I would -- yes.

13 Q Do you remember magnesia being earlier than calsil?

14 A Yes.

15 Q Do you know the name Benjamin Foster?

16 A Yes.

17 Q Okay. Is that something that was used as a, like a
18 mastic, or --

19 A Yes.

20 Q And I take it you never dealt with any of the
21 manufacturers who were selling the materials to
22 Sprinkmann, or the customers, is that correct?

23 A That's correct.

24 Q Are you familiar with any of the units at Oak Creek
25 that were erected by Foster Wheeler?

Deposition of Ralph Van Beck - June 26, 2012

97

1 A I know the name. I don't know what exact units they
2 built.

3 Q Okay. How is it that you remember Foster Wheeler?

4 A Well, it was a common name.

5 Q Okay.

6 A In the industry.

7 Q Do you know if they built any units at Oak Creek, do
8 you remember?

9 A I don't know.

10 Q Did you deal -- let me rephrase this question. As
11 field superintendent, were you doing work on some of
12 the original unit constructions at Oak Creek
13 Powerhouse?

14 A That's a good question. I'm not sure. I'm not sure
15 when Oak Creek was completed.

16 Q I think the last unit was, other than the gas
17 turbine, I think it was about '68.

18 A It's possible. That it was '68, it's possible, yes.

19 Q Each of these breweries had a big powerhouse, right?

20 A I'm sorry, I didn't --

21 Q The Miller, Pabst and Schlitz Breweries all had big
22 powerhouses, right?

23 A Yes.

24 Q And in these powerhouse settings, are there
25 sometimes smaller boilers that are like auxiliary

Deposition of Ralph Van Beck - June 26, 2012

98

1 boilers to fire up the big boilers?

2 MR. ANTIKAINEN: Objection, form,
3 foundation.

4 THE WITNESS:

5 A They may have had auxiliary boilers.

6 MR. MC COY:

7 Q Okay. Auxiliary boilers, do you know the names,
8 like Kewaunee, or Cleaver-Brooks?

9 MR. ANTIKAINEN: Objection.

10 THE WITNESS:

11 A I know of the name, but --

12 MR. PARTRIDGE: Form, lack of foundation.

13 THE WITNESS:

14 A Your question again?

15 MR. MC COY:

16 Q My question is, do you know these auxiliary boilers
17 as being the brands like Kewaunee, or
18 Cleaver-Brooks?

19 MR. LORINGER: Form, foundation.

20 MR. PARTRIDGE: Same objection.

21 THE WITNESS:

22 A I'm aware of Cleaver-Brooks boilers and Kewaunee
23 boilers, yes.

24 MR. MC COY:

25 Q Did Sprinkmann have to do insulation work on these

Deposition of Ralph Van Beck - June 26, 2012

99

1 types of auxiliary boilers?

2 MR. LORINGER: Objection, form, foundation.

3 THE WITNESS:

4 A I wouldn't call them auxiliary boilers. I would
5 remember working on boilers of that name, yeah.

6 MR. MC COY:

7 Q Okay. And so describe how that sectional Kewaunee
8 boiler was insulated.

9 A Was insulated with the --

10 MR. PARTRIDGE: Object to form. Well, lack
11 of foundation. Go ahead.

12 THE WITNESS:

13 A What exactly -- how is it insulated?

14 MR. MC COY:

15 Q Yes.

16 A It was generally insulated with calsil block.

17 Q What about before OSHA?

18 A Might have been magnesia block.

19 Q Okay. And what else?

20 A At one time they probably put asbestos cement on it.
21 Chicken wire. Cement. Canvas.

22 Q Is this something you had to do as an insulator
23 yourself, or just that you saw it?

24 MS. SCHUETT: With respect to these sites
25 you mean, right? The sites involved in the Ahnert

Deposition of Ralph Van Beck - June 26, 2012

100

1 case?

2 THE WITNESS:

3 A Not on these sites.

4 MR. MC COY:

5 Q Okay. What about when you're working as an
6 insulator for Sprinkmann, is this something you had
7 to do someplace?

8 MR. PARTRIDGE: Object to form, lack of
9 foundation.

10 MR. MC COY:

11 Q Go ahead.

12 A It's probable I did.

13 Q Was part of your job to train, or to set up
14 training, or provide support for training for the
15 Local 19 persons who were coming on to the
16 Sprinkmann jobs?

17 MS. SCHUETT: Form, foundation, vague as to
18 time. You can answer.

19 THE WITNESS:

20 A Well, for many it was just on-the-job training.
21 Except when the state got involved, and had official
22 training program, apprenticeship training program.
23 Before that, it was on-the-job training. It was
24 just -- it wasn't a formal apprenticeship. They
25 were called helpers.

Deposition of Ralph Van Beck - June 26, 2012

101

1 MR. MC COY:

2 Q So Sprinkmann didn't have a formal training program
3 for these Local 19 people who were helpers, is that
4 accurate?

5 MS. SCHUETT: Objection, vague as to time.

6 THE WITNESS:

7 A Nobody had a formal training program for them. It
8 was all on-the-job training.

9 MS. SCHUETT: Before the state got involved,
10 as he said.

11 THE WITNESS:

12 A Before the state got involved.

13 MR. MC COY:

14 Q All right. And when you say the state got involved,
15 you mean the State of Wisconsin?

16 A Yes.

17 Q And when the State of Wisconsin got involved, what
18 type of training was -- changes were there in
19 training for the Local 19 people?

20 A There were apprenticeship classes. They went to
21 school either at one time for a week during the
22 year, or later on maybe one day at a time during the
23 particular season.

24 Q Training in what?

25 A Applying insulation.

Deposition of Ralph Van Beck - June 26, 2012

102

1 Q That include safety concerning existing in-place
2 insulation?

3 MS. SCHUETT: Objection, outside the scope
4 of this deposition, vague as to time, form,
5 foundation. You can answer if you can.

6 THE WITNESS:

7 A Yes, it probably did.

8 MR. MC COY:

9 Q Did these classes -- or did the state get involved
10 right after OSHA came out in the '72 or --

11 A I don't remember the date.

12 Q Okay. Where was your -- as field superintendent,
13 did you have a office?

14 A I had a desk.

15 Q Okay. Where was --

16 A Pardon?

17 Q Where was that located?

18 A In the Sprinkmann facility.

19 Q Was this located in a particular part of the
20 facility? Meaning like --

21 A I shared -- at one time I shared an office with
22 somebody.

23 Q Somebody working in what area?

24 A Pardon?

25 Q Somebody working in what area?

Deposition of Ralph Van Beck - June 26, 2012

103

1 A Estimator.

2 Q Just want to make sure. Did Sprinkmann ever develop
3 any communications or information that would be
4 provided to the other trades like the pipe fitters?
5 About asbestos safety?

6 MS. SCHUETT: Objection, form, foundation,
7 outside the scope of this case. And he's not a PMK.
8 So to the extent you have that information, you can
9 answer.

10 THE WITNESS:

11 A I don't have any information on that.

12 MR. MC COY: Okay. I think that's all the
13 questions I've got for right now, Mr. Van Beck,
14 thanks.

15 MS. SCHUETT: Feel okay to keep going? Just
16 let the other people do their thing quickly?

17 THE WITNESS: Sure. Let's do it over.

18 MS. SCHUETT: Two-minute break. Five-minute
19 break.

20 (Short recess was taken)

21 (Exhibit Numbers 1 and 2 were marked for
22 identification)

23 MR. MC COY: We'll go back on the record.
24 Just for the record, we've marked as Exhibits Number
25 1 and 2, 1 being the notice of today's deposition,

Deposition of Ralph Van Beck - June 26, 2012

104

1 amended, first amended notice. And second exhibit
2 is the e-mail service of that notice.

3 EXAMINATION

4 BY MR. WATSON:

5 Q Mr. Van Beck --

6 A Yes.

7 Q -- my name is Brian Watson, I represent

8 Owens-Illinois. I introduced myself to you earlier

9 this morning. That was the first time we met, is

10 that right?

11 A Yes.

12 Q Mr. McCoy asked you earlier today about a gentleman
13 named John Locker?

14 A Yes.

15 Q Do you recall working with Mr. Locker at Sprinkmann?

16 A Yes.

17 Q Do you recall whether Mr. Locker began working at
18 Sprinkmann before you had even started working at
19 Sprinkmann?

20 A I couldn't answer that. I don't know when he
21 started his employment.

22 Q At the time that you started working at Sprinkmann,
23 do you recall whether Mr. Locker already worked
24 there?

25 A You know, I'm not sure, because I had no dealings

Deposition of Ralph Van Beck - June 26, 2012

105

1 with the office when I first started.

2 Q And do you recall when Mr. Locker left Sprinkmann's
3 employ?

4 A No.

5 Q Would you describe Mr. Locker as a purchasing agent
6 at Sprinkmann?

7 A Yes.

8 Q Would he be the person who was most knowledgeable,
9 in your opinion, of the products that were purchased
10 by Sprinkmann during those years?

11 A Not necessarily. When you say the most
12 knowledgeable, I wouldn't say necessarily so. But
13 he knew them. Obviously.

14 Q Is there somebody in addition to Mr. Locker who you
15 would understand to have more information about the
16 products that Sprinkmann purchased?

17 MS. SCHUETT: Alive today you mean, or --

18 THE WITNESS:

19 A Alive today?

20 MR. WATSON:

21 Q No, in general.

22 A No. No. They -- all the estimators would have had
23 that information.

24 Q So if I understand your testimony, the estimators
25 would have information in terms of job site by job

Deposition of Ralph Van Beck - June 26, 2012

106

1 site purchases.

2 A Yes.

3 Q And Mr. Locker might have information about global
4 numbers and quantities of purchases by Sprinkmann.

5 A Yes.

6 Q Am I right that Sprinkmann was a distributor for
7 Baldwin-Ehret-Hill?

8 A I can't answer that.

9 Q Is that a product that you recall using at
10 Sprinkmann?

11 A Yes.

12 Q In terms of thermal insulation, would that include
13 pipe covering?

14 A Yes.

15 Q Would it include block?

16 A Yes.

17 Q Would it include cements?

18 A Yes.

19 Q Would it include blankets?

20 MS. SCHUETT: Objection, form, foundation.
21 You're outside the scope of the sites in this case.

22 THE WITNESS:

23 A Yes.

24 MR. WATSON:

25 Q Any other product that you can include --

Deposition of Ralph Van Beck - June 26, 2012

107

1 A No. None.

2 Q -- within thermal products?

3 A Not really.

4 Q In terms of use of a product at a job site, would I
5 be correct that as soon as the product is no longer
6 contained in its original packaging, such as a box,
7 or a bag, that you could no longer tell who the
8 manufacturer was?

9 MS. SCHUETT: Objection, form, foundation,
10 vague as to time.

11 THE WITNESS:

12 A I think that would be correct.

13 MR. WATSON:

14 Q For example, if you remove the cement from the
15 cement covering bag, you could no longer tell who
16 the manufacturer was just by looking at the cement?

17 A That's correct.

18 Q And if you took the pipe covering out of the pipe
19 covering box, you could no longer tell who the
20 manufacturer of the pipe covering was just by
21 looking at it.

22 MS. SCHUETT: Same objections.

23 THE WITNESS:

24 A I got to think on that one. I think that's probably
25 correct.

Deposition of Ralph Van Beck - June 26, 2012

108

1 MR. WATSON:

2 Q During your time as an insulator at Sprinkmann, the
3 number of brands of thermal products used were in
4 the dozens?

5 MS. SCHUETT: Objection, form, foundation.
6 Used by whom?

7 MR. WATSON:

8 Q Used by Sprinkmann.

9 MS. SCHUETT: Still vague.

10 THE WITNESS:

11 A It is vague. There were many different kinds.
12 Dozens. I can't answer that.

13 MR. WATSON:

14 Q Without giving it a specific number, am I right that
15 there were many different brands of products that
16 were used in performing insulation?

17 A Yes.

18 Q As you sit here today, looking back to 1948, are you
19 in any way able to testify that a certain brand of
20 product was used at a certain job site?

21 A Absolutely not.

22 Q A lot of time has passed since 1948?

23 A Yes.

24 Q You worked at a lot of job sites as well?

25 A Yes, I did.

Deposition of Ralph Van Beck - June 26, 2012

109

1 Q Anything else that affects your just sheer memory in
2 terms of looking back to 1948, and your inability to
3 identify products?

4 MS. SCHUETT: Objection, form, foundation,
5 vague.

6 THE WITNESS:

7 A Well, for one thing, I probably wouldn't have had
8 any interest in it.

9 MR. WATSON:

10 Q Mr. McCoy also asked you earlier about products
11 actually installed at job sites. Do you remember
12 that?

13 A Do I remember him asking the question? Somewhere
14 along there he probably did.

15 Q Am I right that after a thermal product had been
16 installed on a job site, you could not tell the
17 manufacturer?

18 A That's probably correct.

19 Q For example, when you're insulating a pipeline, you
20 would put the pipe insulation on. You would maybe
21 wire or twine it. You would put cheesecloth. And
22 you would put cement all on top of that pipeline.

23 A Yes.

24 Q You might even use a mastic as well?

25 A You might.

Deposition of Ralph Van Beck - June 26, 2012

110

1 Q Would there be any way, as you looked at a insulated
2 pipeline, to determine the manufacturer of any of
3 those products?

4 A No. Not that I'm aware of.

5 Q Mr. McCoy also asked you earlier about Zien Heating.

6 A Yes.

7 Q Do you recall, as you sit here today, a time where
8 you worked with anyone from Zien Heating?

9 A No.

10 Q I just want to underscore this as well. You're here
11 to testify about a gentleman's case named Daniel
12 Ahnert?

13 A That's correct.

14 Q Have you ever met Daniel Ahnert?

15 A No.

16 Q Is there in any way that you could identify for us
17 the work Daniel Ahnert did?

18 A No.

19 Q I also want to ask you about construction sequencing
20 to the extent you can testify about this. When did
21 insulators begin their work?

22 MR. MC COY: Objection to foundation.

23 MR. WATSON:

24 Q On a job site.

25 MS. SCHUETT: Form, foundation, vague as to

Deposition of Ralph Van Beck - June 26, 2012

111

1 time.

2 THE WITNESS: Can I answer?

3 MS. SCHUETT: You can answer.

4 THE WITNESS:

5 A After the systems were installed, and tested.

6 MR. WATSON:

7 Q If I understand you right, the initial systems were
8 installed by work of other tradesmen, they were
9 tested, as well, to make sure that they were
10 operating correctly, and then, finally, the
11 insulators would come along and insulate.

12 A That's basically correct.

13 Q From your time starting in 1948 for the union,
14 until --

15 A I have to amend that. I wasn't in the union at the
16 time.

17 Q That's probably my misstatement. From your time
18 starting as a helper in 1948 --

19 A Yes.

20 Q -- to the time when you joined the union, up through
21 1966, when you took a superintendent position, did
22 the insulators do their job in basically the same
23 way?

24 A Yes.

25 Q When was the first time that you recall, looking

Deposition of Ralph Van Beck - June 26, 2012

112

1 back on it, that insulators changed the way they did
2 work, in terms of safety?

3 A Oh, my.

4 MS. SCHUETT: Form, foundation, overbroad,
5 outside the scope of this case.

6 THE WITNESS:

7 A I think that -- well, that's hard to answer. I
8 remember respirators given out. But I can't put the
9 time and date on that.

10 MR. WATSON:

11 Q I also want to make sure that we have this clear so
12 everybody else understands this. Since -- looking
13 back at the time beginning in 1948, did you ever
14 keep a list of the job sites you worked?

15 A Absolutely not.

16 Q Did you ever keep a diary?

17 A No.

18 Q Would I be correct, then, that as you sit here and
19 testify today, the only thing that you're using to
20 look back and recall things to 1948 is your memory?

21 A Such as it is, yes.

22 Q Do you believe that there is anything that I could
23 provide, or anyone else could provide to refresh
24 your own memory in terms of job sites you worked?

25 A I don't think so.

Deposition of Ralph Van Beck - June 26, 2012

113

1 Q Is there anything I could provide, or anyone else
2 could provide, in terms of refreshing your own
3 memory, in terms of products that were used at job
4 sites?

5 A No.

6 MR. WATSON: That's all the questions I
7 have, Mr. Van Beck, thank you.

8 EXAMINATION

9 BY MS. BENNETT:

10 Q Mr. Van Beck, my name is Jaime Bennett, and I have
11 to ask you some questions about Miller Coors.

12 A Go ahead.

13 Q You said that you recalled Sprinkmann having that
14 project when you were working for Sprinkmann?

15 A Yes.

16 Q Can you give me an estimate of around the date that
17 you recall working at the Miller Coors facility?

18 A You mean me working?

19 Q Or Sprinkmann was working on that.

20 MS. SCHUETT: Objection, form, foundation,
21 vague. Answer if you can.

22 THE WITNESS:

23 A Well, I would think it would be through the 70s and
24 80s.

25 MS. BENNETT:

Deposition of Ralph Van Beck - June 26, 2012

114

1 Q Okay. So starting in the 70s?

2 A Yes.

3 Q Okay. Do you recall any new construction going on
4 when you were -- when that was one of Sprinkmann's
5 projects with Sprinkmann?

6 A No.

7 Q No? Okay. What about any shutdown work?

8 A No.

9 Q Okay. And then Miller was in the business of
10 producing products for human consumption, right?

11 A Yes.

12 Q So it was a sterile facility there? It had to be
13 clean.

14 A Well, it all depends where you were.

15 Q Okay. But they're not in the business of making
16 asbestos-containing products.

17 A Absolutely not.

18 Q Okay. And you never worked side by side with any
19 steamfitters at Miller, did you?

20 A Not that I remember.

21 Q And the Miller facility was large?

22 A Yes.

23 Q Had several buildings?

24 A Yes.

25 Q Okay. Did you ever work onsite at Miller?

Deposition of Ralph Van Beck - June 26, 2012

115

1 MS. SCHUETT: Personally?

2 MS. BENNETT:

3 Q While working for Sprinkmann?

4 A Yes.

5 Q Okay. But, again, that wasn't until later in the
6 70s or '80s.

7 A Yes.

8 Q Okay. And Sprinkmann would have issued your
9 paychecks, correct?

10 A Yes.

11 Q Okay. And Sprinkmann would have controlled the
12 hours of their employees, correct?

13 A Yes.

14 Q Okay. They would have determined the rate of the
15 pay, the employees pay --

16 A Yes.

17 Q -- not Miller. Okay. And Sprinkmann would have
18 determined when their employees took vacations?

19 A They would determine when?

20 Q Right.

21 A When the --

22 Q When Sprinkmann employees took vacations.

23 A No. The employee did that. He determined when he
24 took it.

25 Q But Miller wasn't involved.

Deposition of Ralph Van Beck - June 26, 2012

116

1 A No. Miller had nothing to do with it.

2 Q Okay. And Sprinkmann would have been providing all
3 the material to their employees for the pipe
4 covering work --

5 A Yes.

6 Q -- at the Miller facility? And they would have
7 provided all the tools for the pipe fitters to use.
8 Pipe coverers.

9 A For the pipe coverers? Only if they were specialty
10 tools. Pipe coverers had their own set of tools.

11 Q Okay. But Miller wasn't providing the tools that
12 the Sprinkmann employees were using --

13 A No.

14 Q -- for their work. And what about the steamfitters?

15 A I have no -- I had nothing to do with the
16 steamfitters.

17 Q Okay. And Miller wasn't telling the Sprinkmann
18 employees how to perform their duties.

19 A No, not directly, no.

20 Q Okay. And do you know about any other independent
21 contractors, if Miller would have been instructing
22 them about how to perform their --

23 A No.

24 Q They wouldn't have been. Okay. Is that correct?
25 They would not have --

Deposition of Ralph Van Beck - June 26, 2012

117

1 A Yes. They just wouldn't have. I don't know.

2 Q Okay. And you said you talked to some of the Miller
3 employees at some point. I wasn't clear -- you
4 remembered one individual, John Graf?

5 A John Graf.

6 Q Do you remember about when you had that
7 conversation, or those conversations?

8 A Oh, Lord. Probably in the 80s.

9 Q Okay.

10 A It might have even been in the 90s.

11 Q And then do you have any idea what those
12 conversations were about?

13 A Basically about systems you wanted insulated.

14 Q Okay. So any other employees that were working with
15 asbestos-containing products would have also been
16 employed by independent contractors, or
17 subcontractors, correct?

18 MS. SCHUETT: Objection, form, foundation,
19 speculative.

20 THE WITNESS:

21 A You mean instead of Miller people?

22 MS. BENNETT:

23 Q Yes.

24 A I have no idea what Miller instructed their people
25 to do.

Deposition of Ralph Van Beck - June 26, 2012

118

1 Q Okay. But the Miller employees were not working
2 with any products that may have contained asbestos.

3 A I have no --

4 Q Okay. And the independent contractor, were -- all
5 of their work was controlled by their respective
6 employers rather than by Miller.

7 MS. SCHUETT: Form, foundation, calls for
8 speculation.

9 MR. ANTIKAINEN: Speculation.

10 MS. BENNETT:

11 Q And no one from Miller would have been telling any
12 union members what to do on the job, is that right?

13 MS. SCHUETT: Same objections.

14 THE WITNESS:

15 A Basically, that's correct.

16 MS. BENNETT:

17 Q Okay. And then unions were negotiating the
18 contracts, not Miller.

19 A Right.

20 Q Okay. Do you recall ever seeing any Standard
21 Company employees at Miller?

22 A Standard employee companies? Is that the name of a
23 company? No.

24 Q Okay. And then the people that you said -- I was
25 confused by some questioning, that were working at

Deposition of Ralph Van Beck - June 26, 2012

119

1 Miller often. What did you mean by often? Or what
2 was your definition of often?

3 A Well, there was, at one time, an employee there
4 full-time.

5 Q Okay. And do you recall what period of time that
6 was?

7 A Oh, no, that I don't.

8 Q But, again, would that have been later towards the
9 70s and 80s?

10 A Yes.

11 MS. BENNETT: Okay. Those are all the
12 questions I have at this time. Thank you for your
13 time.

14 THE WITNESS: You're welcome.

15 MS. GIERKE: I don't have any questions,
16 thank you very much.

17 MR. MALONEY: I just have a few. If I can
18 just mark this as an exhibit.

19 (Exhibit Number 3 was marked for
20 identification)

21 EXAMINATION

22 BY MR. MALONEY:

23 Q Mr. Van Beck, my name is attorney Ryan Maloney, and
24 I represent Milwaukee Insulation in this lawsuit.
25 And if you can't hear anything I'm saying, please

Deposition of Ralph Van Beck - June 26, 2012

120

1 let me know, and I'll speak up.

2 A All right.

3 Q Do you have any knowledge or information regarding
4 any products which were sold, distributed, supplied,
5 or in any means placed into the stream of commerce
6 by Milwaukee Insulation?

7 A No.

8 Q So I've showed you what's been marked as -- you have
9 in front of you what's been marked as exhibit, I
10 think we're at what, 3? By your last answer, I
11 assume that you don't know of any products which may
12 or may not have been sold, distributed, or
13 manufactured and placed into commerce by Milwaukee
14 Insulation which could have been used or ever
15 present at any of the job sites listed in Exhibit 3.

16 A I can't say for certain, no, I can't.

17 MR. MALONEY: That's all the questions I
18 have.

19 EXAMINATION

20 BY Mr. ANTIKAINEN:

21 Q Mr. Van Beck, my name is Mike Antikainen. I've got
22 a few questions for you. Can you hear me here okay?

23 A Oh, yeah.

24 Q As long as Laura doesn't hit me when I'm asking my
25 questions we'll be okay.

Deposition of Ralph Van Beck - June 26, 2012

121

1 MS. SCHUETT: I may.

2 MR. ANTIKAINEN:

3 Q I represent Pabst, and I'm going to just ask you a
4 couple quick questions about Pabst and Schlitz. You
5 had talked earlier about working at Schlitz when you
6 were still a member of Local 19, correct?

7 A Yes.

8 Q I wasn't certain as to how long a period of time you
9 spent at Schlitz while you were a member of Local
10 19.

11 A It wasn't a very long time in my recollection.

12 Q Less than a couple of months?

13 A Probably.

14 Q Okay. About a month or less?

15 A May have been little more, but it wasn't a very long
16 time.

17 Q In any event, not over two months, is that fair?

18 A Could be. I really am not sure of the timeframe.

19 Q That's fine. You testified that you did pipe
20 insulation.

21 A Yes.

22 Q You don't know, as you sit here today, that any of
23 the pipe insulation that you were putting on for
24 Sprinkmann while you were a Local 19 member
25 contained any asbestos, do you?

Deposition of Ralph Van Beck - June 26, 2012

122

1 A No.

2 Q Same question -- well, let's go ahead and talk about
3 Pabst. You testified while a member of Local 19,
4 you did work at Pabst for a couple months, is that
5 correct?

6 A I did, yes.

7 Q Okay. And you did pipe covering work at Pabst
8 during that time, right?

9 A Yes.

10 Q And as you sit here today, you don't know that any
11 of the pipe covering that you put on at Pabst
12 contained asbestos, do you?

13 A No.

14 Q And other than saying that it was during the
15 timeframe that you worked at Local 19, you couldn't
16 say specifically when in that timeframe you worked
17 at either one of those places, could you?

18 A No.

19 Q Okay. You don't know what happened to any of the
20 insulation that was put on by Sprinkmann after you
21 left either of those locations, do you?

22 A I have no idea.

23 Q Meaning you don't know whether that insulation was
24 ever removed at any time, do you?

25 A No.

Deposition of Ralph Van Beck - June 26, 2012

123

1 Q But it certainly could have been, correct?

2 A It could have been.

3 Q You have no knowledge one way or the other.

4 A That's correct.

5 Q Okay. All that you know, as you sit here today, is
6 that Sprinkmann didn't come back in and remove that
7 insulation.

8 A Correct.

9 Q Is that correct?

10 A Yes.

11 Q While at -- while you were working at Pabst as a
12 Local 19 member, do you recall the name of any of
13 the pipe fitters -- strike that -- any of the pipe
14 fitting contractors?

15 A No.

16 Q While working at Pabst, and maybe this is the same
17 question, I don't know, but while working at Pabst
18 as a Local 19 member, do you recall the name of the
19 contractor that was doing any of the steamfitting?

20 A No. I -- no.

21 Q Okay.

22 A When I worked there, we were working directly for
23 Pabst. So I'd remember.

24 Q Sprinkmann had a contract with Pabst, correct?

25 A Yes.

Deposition of Ralph Van Beck - June 26, 2012

124

1 Q Okay. But Pabst wasn't telling the individual
2 insulators what to do.

3 A No.

4 Q And you were being paid by Sprinkmann.

5 A Yes.

6 Q And all the materials came from Sprinkmann.

7 A Yes.

8 Q While at Schlitz, do you recall the name of any of
9 the pipe fitting or steamfitting contractors that
10 were working there?

11 A No.

12 Q Do you even know if there were pipe fitting or
13 steamfitting contractors --

14 A No, I don't remember any of that.

15 Q -- working there at the time?

16 A No.

17 Q What about for Pabst, do you even recall if there
18 was any pipe fitters or steamfitting contractors
19 working there at the same time as you?

20 A No, I don't remember. If they were, I don't
21 remember who they were.

22 Q After you became a field supervisor, I'm correct
23 that you're not certain that Sprinkmann ever did any
24 work at Pabst, is that right?

25 A After I became super -- it's possible.

Deposition of Ralph Van Beck - June 26, 2012

125

1 Q But to say specifically what Sprinkmann did at Pabst
2 after you became a field supervisor, you couldn't
3 say, is that fair?

4 A No.

5 Q Is that fair?

6 MS. SCHUETT: You agree with him?

7 THE WITNESS:

8 A Yeah. I agree with you.

9 MR. ANTIKAINEN: Thank you, Laura.

10 Q After you became a field supervisor, you couldn't --
11 strike that. After you became a field supervisor,
12 you don't have a recollection of Sprinkmann working
13 at Schlitz at all, do you?

14 A Again, that goes back to the timeframe when Schlitz
15 closed. I may have. But I have no recollection of
16 it.

17 Q Okay. And, in any event, you don't know what type
18 of work Sprinkmann did.

19 A No.

20 Q And you don't know where in the facility Sprinkmann
21 did any work, if they did any work at Schlitz.
22 After you became a field supervisor.

23 A Well, like I said, the timeframes are getting to me.
24 I don't remember -- I don't remember specifically
25 being there.

Deposition of Ralph Van Beck - June 26, 2012

126

1 Q So you don't know for certain, one way or the other,
2 if Sprinkmann did any work at Schlitz after 1966, is
3 that fair?

4 A To the best of my recollection, they may have.

5 Q That's fine, Mr. Van Beck, thank you. But while --
6 strike that. In any event, after 1966, you wouldn't
7 know who the pipe fitter or steamfitter company was
8 at Schlitz.

9 A No.

10 Q And you don't even know for certain whether there
11 was a pipe fitter or steamfitter contractor at
12 Schlitz --

13 A That's correct.

14 Q -- at the same time as Sprinkmann after 1966.
15 Correct?

16 A That's correct.

17 Q Same question for Pabst. You don't know whether a
18 steamfitter or pipe fitter contractor was at Pabst
19 at the same time as Sprinkmann any time after 1966.

20 A I couldn't -- couldn't name you anybody.

21 Q Do you know a guy by the name of Earl Wambach
22 (phonetic)?

23 A No. I want to amend something.

24 Q Mr. Van Beck, what do you want to amend?

25 A You asked me about people working at Schlitz after

Deposition of Ralph Van Beck - June 26, 2012

127

1 1966?

2 Q I asked you about contractors working at Schlitz in
3 1966, but go ahead.

4 A No. But before that, about Sprinkmann working
5 there.

6 Q Yes, sir.

7 A I'd have to say -- what did I say?

8 Q You said you didn't know one way or the other.

9 A I think we were.

10 Q Okay. But do you know what type of work was being
11 done at Schlitz by Sprinkmann after 1966?

12 A Just probably insulating the piping systems.

13 Q Do you know what type of material -- strike that.
14 You don't have any knowledge one way or the other
15 whether that insulation material after 1966
16 contained asbestos, do you?

17 A No.

18 Q And, again, you don't know if any steamfitter or
19 pipe fitter contractors were at Schlitz at the same
20 time as Sprinkmann after 1966, do you?

21 A That's correct. I can't answer that.

22 Q And whatever type of insulation Sprinkmann was
23 putting on in 1966, you don't know how long it
24 remained on the pipe.

25 A No.

Deposition of Ralph Van Beck - June 26, 2012

128

1 Q The only thing that you could say is that Sprinkmann
2 didn't remove it.

3 A That's right.

4 Q Whether somebody else came in, another contractor
5 came in and removed it, you would have no knowledge,
6 is that correct?

7 A That's correct.

8 Q I'm just going to look over my notes here really
9 quickly for you, Mr. Van Beck, I know that you want
10 to get out of here.

11 A How did you guess?

12 (Short pause)

13 Q You never saw any specifications from Pabst or
14 Schlitz regarding the type of insulation they wanted
15 put on their piping at all, did you?

16 A No.

17 MR. ANTIKAINEN: All right, sir, I believe
18 those are all the questions that I have for you,
19 thank you for your time.

20 THE WITNESS: You're welcome.

21 EXAMINATION

22 BY MR. MALONEY:

23 Q Sorry, Mr. Van Beck, I forgot a question, and I'd
24 just like to clear it up. First, I don't know if I
25 ever identified Exhibit 3 for the record. So

Deposition of Ralph Van Beck - June 26, 2012

129

1 Exhibit 3 is a list of job sites at which Mr. Ahnert
2 worked, and which was produced by Mr. Ahnert's
3 counsel.

4 MR. ANTIKAINEN: Just going to object to the
5 statement that it's a list of job sites where Mr.
6 Ahnert worked --

7 MS. SCHUETT: Join.

8 MR. ANTIKAINEN: -- it's a representation of
9 where Mr. Ahnert allegedly worked, and certain
10 timeframes which are quite vague.

11 MR. MALONEY: Sorry. Thank you for the
12 clarification.

13 Q Mr. Van Beck, do you know if anyone from Milwaukee
14 Insulation ever performed any work at any of the job
15 sites listed in Exhibit 3?

16 A No.

17 MR. MALONEY: That's all.

18 MS. SCHUETT: People on the phone, anybody?

19 MR. PARTRIDGE: I have just a few.

20 EXAMINATION

21 BY MR. PARTRIDGE:

22 Q Sir, just want to take a minute of your time. I
23 want to ask you about the calcium silicate
24 insulation product please. Just for the record, am
25 I correct that that product did not or does not

Deposition of Ralph Van Beck - June 26, 2012

130

1 contain asbestos?

2 A That's my understanding.

3 Q And you would agree with me that years ago, and
4 perhaps even up to the present, fiberglass was also
5 used as a thermal insulation product, correct?

6 A That's correct.

7 Q And am I correct that fiberglass insulation did not
8 contain asbestos?

9 A That's correct.

10 Q Was fiberglass insulation products used as early as
11 the 1950s?

12 A Yes.

13 Q And perhaps even before that.

14 A I'm not -- I can't answer that.

15 Q But in the 50s, you recall fiberglass being used as
16 a thermal insulation product?

17 A Yes.

18 Q There was one other product that you mentioned
19 before, calcium silicate. Do you recall what that
20 was? What type of insulation?

21 A Magnesium.

22 Q Magnesium. And do you have an understanding whether
23 that product contained asbestos?

24 A I was led to believe it did.

25 Q And do you have any understanding of the percentage

Deposition of Ralph Van Beck - June 26, 2012

131

1 or content of that insulation product for containing
2 asbestos?

3 A All I can tell you is I remember the generic name
4 was 85% Magnesium. What that meant, I don't know.

5 Q All right. With regard to Kewaunee boilers that you
6 had mentioned earlier --

7 A Yeah.

8 Q And I understand you did not know Mr. Ahnert. So
9 would I be correct that you cannot ever say Mr.
10 Ahnert worked on or around a Kewaunee boiler?

11 A That's correct.

12 MR. PARTRIDGE: All right. Mr. Van Beck, I
13 appreciate your time. That's all the questions I
14 have.

15 MS. SCHUETT: Anybody else?

16 THE WITNESS: Yay.

17 MS. SCHUETT: Okay.

18 MR. MC COY: I have one more question.

19 EXAMINATION

20 BY MR. MC COY:

21 Q Besides yourself, did Sprinkmann have another field
22 superintendent during your time?

23 A After I no longer was field superintendent, or
24 before that?

25 Q No. Before.

Deposition of Ralph Van Beck - June 26, 2012

132

1 A No.

2 MR. MC COY: Okay. That's it.

3 MS. SCHUETT: You have the right to read and
4 review this, or you can give up that option and just
5 assume that David took it down correctly.

6 THE WITNESS: You know, there might be
7 something here, that I'm not sure about Milwaukee.

8 MS. SCHUETT: About Miller?

9 THE WITNESS: Yeah.

10 MS. SCHUETT: Do you want to make a comment
11 about that?

12 THE WITNESS: Regarding your question about
13 Miller Brewery and Milwaukee Insulation. It's --
14 it's possible that they were there before we were.
15 Doing maintenance work.

16 MR. MALONEY: Can I follow up?

17 MS. SCHUETT: Sure, you can follow up.

18 EXAMINATION

19 BY MR. MALONEY:

20 Q You say it's possible. But you don't have any
21 knowledge one way or the other, do you?

22 A Well, I'm -- let's put it this way, I'm fairly
23 certain.

24 Q Do you know what work was done?

25 A No, absolutely not, no.

Deposition of Ralph Van Beck - June 26, 2012

133

1 Q So you don't know if it had anything to do with
2 asbestos whatsoever?

3 A No. I knew nothing about it. But I believe they
4 may have been there.

5 Q You believe. But you can't say with any certainty.

6 A Well, say 90 percent.

7 MR. MALONEY: Okay. Thank you.

8 MS. SCHUETT: Thank you everyone. So did
9 you want to review, or just let him --

10 THE WITNESS: No.

11 MS. SCHUETT: Okay. David can handle that.

12 (The deposition concluded at 1:40 p.m.)
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Deposition of Ralph Van Beck - June 26, 2012

134

1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY) SS:
3

4 I, DAVID J. SIKORA, RPR, RMR, CRR, and
5 Notary Public in and for the State of Wisconsin, do
6 hereby certify that the deposition of RALPH VAN BECK was
7 recorded by me and reduced to writing under my personal
8 direction.

9 I further certify that said deposition was
10 taken at 4929 Landmark Drive, Egg Harbor, Wisconsin, on
11 June 26, 2012, commencing at 10:38 a.m., and concluding
12 at 1:40 p.m.

13 I further certify that I am not a relative
14 or employee or attorney or counsel of any of the parties,
15 or a relative or employee of such attorney or counsel, or
16 financially interested directly or indirectly in this
17 action.

18 In witness whereof, I have hereunto set my
19 hand and affixed my Seal of Office at Milwaukee,
20 Wisconsin, this 3rd day of July, 2012.

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DAVID J. SIKORA - Notary Public
In and for the State of Wisconsin
My Commission expires: 7/27/2014

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<p>abilities (2) 81:15;82:6</p> <p>able (5) 53:1,3;76:14; 82:13;108:19</p> <p>above (1) 27:22</p> <p>Absolutely (7) 25:3;50:18;77:17; 108:21;112:15; 114:17;132:25</p> <p>account (5) 31:11,25;38:5,9,12</p> <p>accurate (1) 101:4</p> <p>action (2) 56:21;65:16</p> <p>actually (1) 109:11</p> <p>add (1) 54:4</p> <p>added (1) 85:2</p> <p>addition (2) 6:24;105:14</p> <p>additional (1) 82:19</p> <p>address (3) 8:15,16,17</p> <p>affects (1) 109:1</p> <p>afield (1) 59:11</p> <p>again (17) 27:18;58:1;59:18; 61:11;64:17;65:6; 66:16;74:6;80:9; 81:4;82:5;89:14; 98:14;115:5;119:8; 125:14;127:18</p> <p>agent (1) 105:5</p> <p>ago (4) 17:3;24:22;81:12; 130:3</p> <p>agree (5) 7:25;66:25;125:6, 8;130:3</p> <p>agreeing (2) 75:24;85:8</p> <p>ahead (26) 7:13,16;22:21; 27:7;38:7;41:16; 42:24;43:11;47:6,9; 50:21;52:3;54:3; 62:7;63:7;65:5,7,21; 73:18;83:16;85:15; 99:11;100:11; 113:12;122:2;127:3</p> <p>Ahnert (22) 25:8,11;56:21; 59:10;60:17;61:8,13;</p>	<p>62:4,5;68:20;73:15; 74:22;81:7;99:25; 110:12,14,17;129:1, 6,9;131:8,10</p> <p>Ahnert's (2) 64:7;129:2</p> <p>Alive (2) 105:17,19</p> <p>alleged (1) 59:10</p> <p>allegedly (1) 129:9</p> <p>Allis (3) 41:6,17,17</p> <p>allocated (1) 42:12</p> <p>allowed (1) 61:25</p> <p>almost (2) 27:3;44:9</p> <p>along (6) 65:24,25;66:4; 87:12;109:14;111:11</p> <p>always (6) 9:1;27:3;57:14; 59:4,19;84:12</p> <p>amend (5) 56:25;57:3;111:15; 126:23,24</p> <p>amended (3) 62:4;104:1,1</p> <p>American (1) 6:3</p> <p>among (1) 16:20</p> <p>amongst (1) 42:12</p> <p>answered (20) 6:24;23:7,8;31:4, 13;41:11,13;46:4; 49:3;51:10;53:5,25; 54:7;58:21;77:22; 79:6,14;87:8,10;93:2</p> <p>ANTIKAINEN (32) 7:7,11;35:22;48:3, 6,13;49:3,14,25;50:2; 55:25;62:14;77:21; 78:3;79:13,22;80:3,7, 13;87:9,14;90:18; 98:2,9;118:9;120:20, 21;121:2;125:9; 128:17;129:4,8</p> <p>apparently (1) 57:9</p> <p>Appearing (1) 6:7</p> <p>appears (1) 6:24</p> <p>Applying (1) 101:25</p> <p>appreciate (3) 44:22;58:4;131:13</p> <p>apprentice (1) 10:1</p> <p>apprentices (1)</p>	<p>10:2</p> <p>apprenticeship (3) 100:22,24;101:20</p> <p>approach (1) 26:14</p> <p>approve (1) 77:15</p> <p>approximately (1) 39:22</p> <p>area (8) 8:19;9:13;13:18; 47:16,23;71:3; 102:23,25</p> <p>around (8) 13:18;27:22;28:22; 30:4,5;72:20;113:16; 131:10</p> <p>arrangements (1) 21:9</p> <p>articles (1) 20:23</p> <p>asbestos (28) 19:3,15;20:1;32:1; 58:19;59:6,16,20; 70:21;71:6,10,19,23; 72:4;84:19;86:4; 93:24;99:20;103:5; 118:2;121:25; 122:12;127:16; 130:1,8,23;131:2; 133:2</p> <p>asbestos-containing (7) 85:6;86:14,23; 87:7,22;114:16; 117:15</p> <p>assistance (1) 27:24</p> <p>associated (3) 62:13;79:12;80:12</p> <p>assume (3) 92:2;120:11;132:5</p> <p>assumes (7) 20:17;22:19;48:6; 50:3,10;62:15;86:24</p> <p>assuming (6) 10:19;14:25;15:10; 21:7;28:9,11</p> <p>attention (2) 26:6;59:23</p> <p>attorney (2) 47:8;119:23</p> <p>attorneys (5) 8:5;55:18,20;59:5; 75:19</p> <p>auxiliary (6) 97:25;98:5,7,16; 99:1,4</p> <p>Avenue (2) 47:24,25</p> <p>aware (6) 30:8;61:7;68:9; 77:6;98:22;110:4</p> <p>away (3) 45:24;46:3,10</p>	<p>back (19) 23:16;31:20;37:14; 45:9;46:13;60:20; 61:24;62:9;71:19; 81:5;85:21;103:23; 108:18;109:2;112:1, 13,20;123:6;125:14</p> <p>background (1) 59:15</p> <p>bad (2) 82:2,2</p> <p>badgering (1) 54:1</p> <p>bag (2) 107:7,15</p> <p>Baldwin-Ehret-Hill (1) 106:7</p> <p>base (1) 80:19</p> <p>based (4) 60:16;66:20,21; 87:25</p> <p>basic (1) 28:18</p> <p>basically (7) 21:22;69:19;90:8; 111:12,22;117:13; 118:15</p> <p>basis (5) 30:11;63:25;65:13; 76:11;85:8</p> <p>Bay (3) 13:18;14:6,15</p> <p>Beach (3) 60:15,18,19</p> <p>Beatty (1) 59:25</p> <p>became (29) 10:15;11:1,16,20, 24;12:9,11;17:20; 20:12;22:5;39:2,11, 18,23,24;40:11;42:1; 49:23;62:12;64:13; 66:15;72:4;78:22; 124:22,25;125:2,10, 11,22</p> <p>BECK (25) 6:15;7:3,18,19,22; 44:25;54:3;55:2; 58:10;74:24;75:15; 80:11;81:5;103:13; 104:5;113:7,10; 119:23;120:21; 126:5,24;128:9,23; 129:13;131:12</p> <p>b-e-c-k (1) 7:18</p> <p>Beck's (2) 61:19;75:15</p> <p>become (2) 9:24;84:25</p> <p>beer (1)</p>	<p>80:18</p> <p>began (3) 9:17,20;104:17</p> <p>begin (1) 110:21</p> <p>beginning (1) 112:13</p> <p>behalf (2) 6:7;76:19</p> <p>belong (1) 10:16</p> <p>Benjamin (1) 96:15</p> <p>BENNETT (16) 29:9;32:15;64:2, 22;66:19;70:13; 85:11;87:8;113:9,10, 25;115:2;117:22; 118:10,16;119:11</p> <p>besides (6) 22:2;24:3;33:7; 43:5;93:25;131:21</p> <p>best (11) 9:4,25;10:8,9; 16:14;23:5;24:8; 33:20;37:9;43:4; 126:4</p> <p>beyond (2) 66:17;68:18</p> <p>bicker (1) 75:13</p> <p>big (10) 34:11,15;40:17,21; 41:22;46:20;65:23; 97:19,21;98:1</p> <p>Bill (1) 9:16</p> <p>billing (1) 77:15</p> <p>blankets (1) 106:19</p> <p>block (3) 99:16,18;106:15</p> <p>Bob (10) 6:18;7:12;22:20; 53:21,24;80:8;84:2; 90:18,21;93:17</p> <p>boiler (6) 36:11;73:9,19; 74:8;99:8;131:10</p> <p>boilers (17) 33:1;36:9;73:10, 11,20;97:25;98:1,1,5, 7,16,22,23;99:1,4,5; 131:5</p> <p>booked (1) 61:3</p> <p>boss (2) 36:16,21</p> <p>both (4) 24:15;70:16;95:14, 20</p> <p>bounds (1) 61:9</p> <p>Box (3)</p>

8:17;107:6,19 Boyers (2) 6:2,2 Brand (11) 11:13;23:5;33:21; 51:22;52:6,23;94:2,6, 12,18;108:19 brands (8) 23:1;46:12;86:16; 92:24;94:21;98:17; 108:3,15 break (4) 54:22;84:14; 103:18,19 breweries (2) 97:19,21 Brewery (18) 28:8,17;32:1,7; 47:10,22;62:9,13,20; 70:11;77:18,20; 78:13,16;80:12;85:7; 86:12;132:13 Brian (1) 104:7 brief (1) 10:22 briefs (1) 61:16 bring (3) 60:20;61:24;81:4 broad (2) 87:25;96:2 brother (1) 24:7 brought (4) 13:7,8,9;70:25 buildings (1) 114:23 built (3) 45:13;97:2,7 business (4) 25:5;31:16;114:9, 15 Byron (3) 67:7,11,14	20:8;21:6;53:3;72:7; 90:13;91:15,20;96:9; 102:10;124:6;128:4, 5 Can (60) 12:18;13:23,23; 14:17,17;21:13; 23:11,12,15;24:8; 25:16;27:22;30:12; 37:23;41:16;46:21; 47:9;53:10,18;54:3, 22;55:7,9;62:1;64:9; 67:13;70:14,14; 74:17;76:18,21,25; 77:4,8;78:1;82:13; 83:17,17;85:21;91:4; 92:6;93:11;94:24; 100:18;102:5,5; 103:8;106:25; 110:20;111:2,3; 113:16,21;119:17; 120:22;131:3;132:4, 16,17;133:11 Canvas (1) 99:21 capital (2) 7:18,18 Carlson (6) 8:2,4;55:24;56:2,7; 58:13 case (26) 7:3;25:8;58:11,19, 20;59:9,12,16;64:7, 25;68:18;69:15; 70:10;72:1;74:7,9,15, 22;76:18;81:7;88:1; 100:1;103:7;106:21; 110:11;112:5 cases (7) 58:7;59:6,20; 70:16;81:8,10;93:24 caused (1) 11:4 CBS (1) 6:13 cement (6) 99:20,21;107:14, 15,16;109:22 cements (1) 106:17 certain (12) 51:16;62:5;76:18; 108:19,20;120:16; 121:8;124:23;126:1, 10;129:9;132:23 certainly (4) 58:6;75:20;81:6; 123:1 certainty (1) 133:5 chain (1) 27:19 Chalmers (3) 41:6,17,17 changed (1)	112:1 changes (1) 101:18 character (1) 85:17 charge (3) 12:6,11;26:3 checked (1) 43:3 checking (1) 93:18 cheesecloth (1) 109:21 chemist (1) 94:25 Chicago (1) 6:13 Chicken (1) 99:21 children (2) 25:4;75:13 choosing (1) 92:24 circumstances (1) 21:5 clarification (2) 25:10;129:12 clarify (1) 57:11 class (2) 19:21;20:1 classes (3) 19:4;101:20;102:9 classify (1) 49:20 Clayton (2) 49:17,22 clean (1) 114:13 clear (3) 112:11;117:3; 128:24 clearer (1) 77:13 Cleaver-Brooks (3) 98:8,18,22 client (1) 55:5 clients' (1) 87:14 clock (1) 84:2 close (1) 80:15 closed (2) 80:20;125:15 closest (1) 83:23 cold (1) 52:7 combination (1) 70:7 coming (1) 100:15 comment (2)	75:2;132:10 commerce (2) 120:5,13 commercials (1) 80:18 common (1) 97:4 communicate (1) 27:15 communicated (2) 73:1;88:10 communications (6) 27:3,20;55:8;75:4; 87:21;103:3 companies (2) 11:12;118:22 Company (12) 6:8;13:9;18:21; 40:17;68:13,15; 88:11;89:7;90:4; 118:21,23;126:7 company's (2) 16:20,21 compensation (1) 93:23 completed (1) 97:15 conceivable (1) 93:14 concern (4) 18:19;39:7;66:1; 81:16 concerned (2) 73:9;95:14 concerning (1) 102:1 concerns (4) 42:25;67:14;82:19; 87:23 concluded (1) 133:12 conclusion (2) 69:7;72:13 concrete (1) 72:16 confident (1) 77:4 confused (1) 118:25 connection (1) 67:10 consider (1) 64:16 considered (3) 49:18;64:19;65:11 construction (7) 16:7,10,12;45:14, 18;110:19;114:3 constructions (1) 97:12 consumption (1) 114:10 contact (1) 30:19 contain (2)	130:1,8 contained (6) 107:6;118:2; 121:25;122:12; 127:16;130:23 containing (1) 131:1 content (1) 131:1 continue (1) 49:22 continuously (3) 10:20;11:17;18:8 contract (5) 18:9,12,13,17; 123:24 contractor (9) 68:15,19;69:10,13; 118:4;123:19; 126:11,18;128:4 contractors (9) 70:7;116:21; 117:16;123:14; 124:9,13,18;127:2,19 contracts (4) 50:16,19,23; 118:18 controlled (2) 115:11;118:5 conversation (1) 117:7 conversations (4) 21:8;55:5;117:7,12 convey (1) 17:11 coordinate (2) 25:20,23 Coors (2) 113:11,17 copies (1) 50:23 copy (1) 93:19 Corporation (1) 6:13 correctly (3) 57:20;111:10; 132:5 counsel (9) 6:20;7:1;55:14; 57:12;59:20;74:24; 75:1;82:9;129:3 counsel's (1) 45:6 couple (4) 46:18;121:4,12; 122:4 court (2) 60:7,10 coverers (3) 116:8,9,10 covering (9) 78:25;106:13; 107:15,18,19,20; 116:4;122:7,11
C				
Calcium (8) 52:8,16;94:23; 95:1,4;96:11;129:23; 130:19 calculated (1) 64:24 call (1) 99:4 called (5) 6:15;10:2,2;91:25; 100:25 calls (2) 69:6;118:7 calsil (5) 96:4,8,11,13;99:16 came (15) 11:9;13:7;15:10;				

coworkers (1) 56:20 COY (186) 7:9,13,15,24;8:12; 12:21;14:1,7,24;15:6, 12,16,21;16:17,17:4, 19;18:6;19:2,10,20, 23;20:21;21:19; 22:24;23:15,20; 25:19;26:12;27:11; 28:5,16;29:12,18; 30:3,9;31:7,17;32:11, 18;34:16;35:2,11,25; 36:6;38:4,10,17; 39:9;40:6,19;41:5, 15;42:8,17,23;43:14; 44:7,14,21;45:4,8; 46:6;47:4,15,21;48:4, 9,17;49:1,6,15;50:6, 14;51:14;53:8,12,17, 22;54:2,10,20,24; 55:1,7,12,17,22; 56:10;57:4,11,18; 58:4,23;59:13;60:6, 20;61:4,10,15,23; 62:8,19,25;63:14,22; 64:3,12;65:1,6,9,20; 66:25;67:6,19;68:24; 69:8,22;70:18;71:1, 13,20;72:9,18;73:8, 17;74:2,12,16,19,23; 75:3,9,14;76:6,21,24; 77:14,25;78:12; 79:10,20,25;80:10, 16;81:4,11;82:3,15; 83:15,20;84:5,16,24; 85:14,21;86:1,87:3, 12,17;88:4;89:24; 90:22;91:7,18;93:6, 18,22;95:6,21;96:7; 98:6,15,24;99:6,14; 100:4,10;101:1,13; 102:8;103:12,23; 110:22;131:18,20; 132:2 Creek (32) 8:17,18,19;15:1,17, 25;16:12,19;17:15, 25;18:10,12;33:25, 25;34:4,18,21;36:1, 14,17,20;46:16; 86:19;88:9;92:20; 93:7,11;94:3;96:24; 97:7,12,15 Crivello (6) 8:2,4;55:24;56:2,7; 58:13 Crookston (1) 47:1 crying (1) 14:22 Customer (8) 22:19;38:13;40:17; 53:2;63:25;65:24,25; 66:2	customers (12) 39:4;40:11,24; 41:19,25;50:16; 51:20;53:20;77:16; 84:19;87:22;96:22 D daily (4) 30:11;49:23;50:8; 65:13 dangerous (2) 71:11;72:21 Daniel (8) 24:6,12,15;25:8, 11;110:11,14,17 date (10) 9:8;13:6,14;17:18; 48:23,23,24;102:11; 112:9;113:16 dates (2) 9:1;30:22 David (4) 24:7,15;132:5; 133:11 day (7) 29:3,14,20;31:22; 49:11;64:21;101:22 deal (3) 66:3;67:4;97:10 dealings (1) 104:25 deals (1) 70:10 dealt (6) 58:6;66:6,11; 67:13;88:12;96:20 December (1) 56:13 decided (3) 22:7;42:16;65:22 decisions (1) 42:19 defendants (2) 6:23;7:8 Define (1) 51:21 defined (1) 12:3 definite (4) 33:15;70:17;72:6, 16 definition (3) 40:21;41:22;119:2 deliver (1) 83:8 delivered (3) 83:3;86:22;87:6 department (1) 23:21 Depending (1) 52:18 depends (1) 114:14 depose (1)	77:7 deposed (1) 82:14 deposing (1) 82:11 deposition (22) 6:20;7:5,23;25:9; 55:3;58:17;60:21; 61:6,7;62:3;65:17; 68:19;73:14;75:16, 19;76:16,17;81:3; 83:13;102:4;103:25; 133:12 depositions (3) 53:14;61:25;74:25 describe (5) 22:4;81:13;94:24; 99:7;105:5 description (2) 88:3;91:16 design (1) 68:3 desk (1) 102:14 detailed (1) 90:1 determine (2) 110:2;115:19 determined (4) 42:11;115:14,18, 23 develop (1) 103:2 developed (1) 87:21 diary (1) 112:16 difference (1) 95:10 different (4) 40:9;88:12;108:11, 15 difficulty (2) 81:22,25 direct (1) 70:6 directly (3) 27:15;116:19; 123:22 disagreeing (1) 85:8 discoverable (1) 64:24 discovery (1) 6:23 discussions (1) 21:2 distinguish (1) 53:4 distributed (2) 120:4,12 distributor (1) 106:6 division (4) 9:14;12:7,8,9	documents (1) 51:1 Donald (1) 6:6 done (6) 32:6;33:12;69:21; 93:24;127:11;132:24 doubt (1) 84:5 down (6) 60:7;82:7;86:9; 87:11,18;132:5 dozens (2) 108:4,12 Dr (2) 20:23;21:2 drawings (2) 54:15,19 duly (1) 6:16 during (9) 38:16;49:11; 101:21,22;105:10; 108:2;122:8,14; 131:22 duties (2) 22:4;116:18 E Earl (1) 126:21 earlier (9) 44:8;78:18;96:13; 104:8,12;109:10; 110:5;121:5;131:6 early (5) 37:11,12;72:25,25; 130:10 earned (1) 85:4 editorialize (1) 45:5 eight (1) 8:20 either (7) 17:12;25:16;26:20; 33:19;101:21; 122:17,21 electric (7) 16:20,21;18:21; 40:20;88:11;89:7; 90:4 else (16) 9:7;11:11;13:3; 24:3;34:19;43:6; 44:10;55:13,16; 99:19;109:1;112:12, 23;113:1;128:4; 131:15 e-mail (1) 104:2 employ (1) 105:3 employed (5)	7:19;60:12;71:24; 88:10;117:16 employee (4) 76:22;115:23; 118:22;119:3 employees (12) 63:24;115:12,15, 18,22;116:3,12,18; 117:3,14;118:1,21 employer (1) 8:23 employers (1) 118:6 employment (1) 104:21 end (1) 9:3 engineers (1) 67:5 Enough (3) 40:1;91:9,10 equipment (5) 22:9;33:9,10,15; 51:3 erected (1) 96:25 Ernest (1) 43:18 Especially (1) 29:24 estimate (1) 113:16 estimated (3) 17:10;22:23;23:19 estimator (11) 27:10;50:20,22; 51:7,18;53:2;83:11, 21;89:3;90:9;103:1 estimators (9) 17:13;27:4;43:13, 15,24;44:11;89:15; 105:22,24 even (13) 40:16;58:20;65:2; 75:8;96:4;104:18; 109:24;117:10; 124:12,17;126:10; 130:4,13 event (3) 121:17;125:17; 126:6 everybody (2) 24:24;112:12 everyone (1) 133:8 evidence (7) 15:11;20:17;22:19; 50:3,10;64:25;86:25 exact (1) 97:1 exactly (5) 21:16;33:12;62:17; 75:14;99:13 EXAMINATION (9) 7:14;104:3;113:8;
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119:21;120:19; 128:21;129:20; 131:19;132:18 examined (1) 6:17 example (2) 107:14;109:19 Except (1) 100:21 Excuse (2) 46:1;67:25 Exhibit (9) 103:21;104:1; 119:18,19;120:9,15; 128:25;129:1,15 Exhibits (1) 103:24 existing (1) 102:1 expire (1) 10:14 exposures (2) 59:9,10 extent (15) 55:4;56:18;57:25; 60:18;65:14;66:17; 68:17,19;69:20;70:9; 76:15;83:12;93:9; 103:8;110:20	Feel (1) 103:15 fees (1) 93:25 fella (1) 66:9 fellow (1) 37:8 few (3) 119:17;120:22; 129:19 fiberglass (5) 52:7;130:4,7,10,15 field (72) 10:15,17;11:1,16, 20,24;12:4,5,11; 14:12;15:24;16:4,8, 11,18;17:20;18:4,18; 19:24;21:6,17;22:1,5, 6;26:7,19,21;27:1,9, 12;30:20;31:8,12; 35:5,18;39:2,11,16, 18,23;40:1,12;42:1; 49:23;50:15;62:12; 64:13;65:11;66:15; 69:11;71:4;77:18; 78:2,22;79:11;80:11; 83:11;84:17;85:25; 88:13;90:7,23;91:25; 97:11;102:12; 124:22;125:2,10,11, 22;131:21,23	116:7;123:13;124:18 fitting (3) 123:14;124:9,12 Five-minute (1) 103:18 flying (2) 72:11,19 Foley (1) 6:12 follow (3) 18:22;132:16,17 followed (1) 74:3 following (1) 7:25 follows (1) 6:17 Foreman (24) 6:6;22:10,14,14, 15;27:22,23;29:2; 37:2,2,3,6,7;48:10; 49:2,18;69:18,23,24, 24;70:3,4;83:11,22 foremen (2) 27:3,17 forge (1) 38:24 forgot (1) 128:23 form (77) 13:20,22;14:16; 15:3;16:15,22;18:2, 23;19:5,22;20:16; 21:11;22:18;23:8; 26:9;28:1,13;29:23; 32:13;35:22;36:2; 37:25;40:3,14;41:3, 8;42:3;43:8;44:3; 48:3,13,20;49:25; 50:9;53:7;55:25; 62:14;63:11,19;64:2, 5,23;67:15;69:14; 70:23;71:16,25;73:3; 74:11;80:13;81:17; 84:20;85:12;86:24; 87:24;89:19;91:12; 95:16;96:1,98:2,12, 19;99:2,10;100:8,17; 102:4;103:6;106:20; 107:9;108:5;109:4; 110:25;112:4; 113:20;117:18;118:7	22:18;23:8;26:9; 28:1;32:13;36:2; 38:1;41:3,9,10;42:3; 44:3;48:6,13;49:14, 25;50:9;53:7;54:17; 62:14;63:19;64:23; 67:15;69:14;70:23; 71:16,25;73:3;74:11; 81:17;84:20;85:12; 86:24;87:24;89:20; 91:12;95:16;96:1; 98:3,12,19;99:2,11; 100:9,17;102:5; 103:6;106:20;107:9; 108:5;109:4;110:22, 25;112:4;113:20; 117:18;118:7 Foundry (2) 37:24;38:24 four (2) 11:7;67:4 front (1) 120:9 full-time (1) 119:4 function (2) 23:22;92:2 funny (1) 36:18 further (1) 25:1	93:16 goes (6) 27:16;52:15;54:13; 66:17;68:18;125:14 good (5) 48:22;55:21;57:9; 80:17;97:14 Graf (3) 66:10;117:4,5 Green (3) 13:18;14:6,15 Greendale (2) 8:22;37:22 guess (4) 44:25;58:4;86:7; 128:11 guessing (1) 86:6 guesstimate (1) 39:25 guy (6) 49:19;62:20;63:17; 64:17,20;126:21 guys (3) 63:23;64:4;66:3
F				H
facilities (1) 88:20 facility (8) 41:23;102:18,20; 113:17;114:12,21; 116:6;125:20 fact (2) 15:10;76:17 factors (3) 64:15,19;65:10 facts (8) 20:17;22:19;48:6; 50:3,10;59:11;62:15; 86:25 fair (7) 17:24;27:5;91:22; 121:17;125:3,5; 126:3 fairly (1) 132:22 fall (1) 58:2 familiar (4) 28:9;68:12;95:12; 96:24 familiarity (1) 28:11 family (1) 43:25 far (10) 27:16;30:18;44:19; 59:11;71:5;73:9,14; 77:10;90:25;95:14	filed (1) 61:16 finally (1) 111:10 find (3) 27:23;28:6;82:4 fine (6) 9:4;41:23;45:19; 74:22;121:19;126:5 finish (3) 65:2,7;75:5 fire (1) 98:1 fired (1) 22:7 Firm (6) 8:2,5;55:23;59:4, 22;75:11 first (28) 6:16,21;12:11; 15:17,22;17:20;22:2, 5;29:22;30:13,15,18, 24;31:3;37:13,14,17; 39:18,23,24;42:1; 78:18;96:8;104:1,9; 105:1;111:25;128:24 Fish (3) 8:16,17,19 fitter (4) 126:7,11,18; 127:19 fitters (6) 25:12,22;103:4;	fitting (3) 123:14;124:9,12 Five-minute (1) 103:18 flying (2) 72:11,19 Foley (1) 6:12 follow (3) 18:22;132:16,17 followed (1) 74:3 following (1) 7:25 follows (1) 6:17 Foreman (24) 6:6;22:10,14,14, 15;27:22,23;29:2; 37:2,2,3,6,7;48:10; 49:2,18;69:18,23,24, 24;70:3,4;83:11,22 foremen (2) 27:3,17 forge (1) 38:24 forgot (1) 128:23 form (77) 13:20,22;14:16; 15:3;16:15,22;18:2, 23;19:5,22;20:16; 21:11;22:18;23:8; 26:9;28:1,13;29:23; 32:13;35:22;36:2; 37:25;40:3,14;41:3, 8;42:3;43:8;44:3; 48:3,13,20;49:25; 50:9;53:7;55:25; 62:14;63:11,19;64:2, 5,23;67:15;69:14; 70:23;71:16,25;73:3; 74:11;80:13;81:17; 84:20;85:12;86:24; 87:24;89:19;91:12; 95:16;96:1,98:2,12, 19;99:2,10;100:8,17; 102:4;103:6;106:20; 107:9;108:5;109:4; 110:25;112:4; 113:20;117:18;118:7 formal (3) 100:24;101:2,7 former (1) 76:22 Foster (3) 96:15,25;97:3 found (1) 22:13 foundation (74) 13:20,23;14:17; 15:5,6,8,12,13,15; 16:16,22;18:2,23; 19:8,22;20:16;21:11;	gas (1) 97:16 gave (4) 17:13;21:6;51:17; 89:11 general (2) 37:2;105:21 generally (4) 12:4;78:4;91:15; 99:16 generic (3) 52:2,7;131:3 generically (1) 51:24 gentleman (1) 104:12 gentleman's (1) 110:11 GIERKE (2) 7:6;119:15 given (7) 17:10;40:18;56:11, 13;57:13;58:10; 112:8 giving (5) 27:16;52:1;71:23; 82:19;108:14 global (1) 106:3 God (4) 33:12;78:9;85:1;	half (1) 84:8 hand (2) 90:13,24 handle (1) 133:11 handled (1) 17:22 Hansen (2) 36:20,24 happened (3) 11:7;21:16;122:19 Happens (1) 31:22 hard (3) 31:24;66:4;112:7 health (3) 81:14,14;82:18 hear (6) 20:10;46:6;53:8; 75:25;119:25;120:22 heard (3) 57:19;76:12;77:11 hearing (3) 58:5;72:22;75:1 Heating (6) 68:12,25;69:1; 92:6;110:5,8 help (1) 82:10 Helper (3) 9:21;48:19;111:18 helpers (3) 10:3;100:25;101:3 hey (1) 26:14 higher (1)

43:7 Highland (1) 47:24 hips (1) 82:2 hire (2) 69:2;70:6 hired (2) 22:6;68:16 hit (1) 120:24 honestly (1) 16:25 hospital (1) 74:8 hospitals (2) 73:10,15 hot (2) 36:8;95:5 hour (1) 84:8 hours (1) 115:12 House (5) 34:23;47:1;48:8, 10,12 houses (1) 46:20 human (1) 114:10 hungry (2) 84:11,12 hurry (1) 80:6 hypothetical (1) 28:2	improper (1) 28:2 inability (1) 109:2 inappropriate (1) 72:13 include (6) 102:1;106:12,15, 17,19,25 including (1) 29:8 independent (3) 116:20;117:16; 118:4 Indiana (1) 6:4 Indianapolis (1) 6:5 individual (4) 27:21;85:18;117:4; 124:1 individuals (1) 56:20 industry (2) 20:11;97:6 information (18) 17:14;18:19,20; 25:10;60:17;72:16; 73:1;75:25;88:19; 90:12;103:3,8,11; 105:15,23,25;106:3; 120:3 Ingersoll-Rand (1) 6:8 initial (1) 111:7 in-place (2) 87:22;102:1 input (7) 23:1;43:6,21,22; 44:9,19;71:5 installation (1) 32:7 installations (1) 73:9 installed (6) 86:13,16;109:11, 16;111:5,8 instead (2) 82:9;117:21 instructed (1) 117:24 instructing (2) 74:12;116:21 instruction (1) 76:3 instructions (6) 17:6;27:16;71:22; 81:6;84:18;87:21 insulate (3) 31:15;89:23; 111:11 insulated (10) 32:20;33:14;51:4; 69:19;99:8,9,13,16;	110:1;117:13 insulating (4) 74:3;95:5;109:19; 127:12 insulation (42) 9:14;11:14;12:10; 25:5;31:15;33:2,2,5, 8,11,21;36:8;50:17; 92:25;95:4,7;98:25; 101:25;102:2; 106:12;108:16; 109:20;119:24; 120:6,14;121:20,23; 122:20,23;123:7; 127:15,22;128:14; 129:14,24;130:5,7, 10,16,20;131:1; 132:13 Insulator (19) 11:23;14:25;18:7; 27:21,22;33:24;35:1, 16;36:7,16;37:5; 49:19,20;63:3;65:23; 93:7;99:22;100:6; 108:2 insulators (10) 20:15,25;27:14,15; 70:19;110:21; 111:11,22;112:1; 124:2 interact (1) 69:12 interchangeable (3) 95:15,20;96:6 interest (1) 109:8 interests (1) 87:15 interface (4) 16:20,25;17:1,2 interim (1) 46:20 Interrogatories (1) 66:22 interrupting (1) 90:21 into (5) 15:11;30:19;31:25; 120:5,13 introduced (1) 104:8 introducing (1) 8:8 involved (21) 26:8;31:2;32:22, 23,24;33:4;48:1; 64:6;68:20;74:8; 91:11,19;92:4;99:25; 100:21;101:9,12,14, 17;102:9;115:25 irrelevant (1) 66:24 issued (3) 57:22;89:22;115:8 issues (4)	81:13,14,14;91:20 J Jackson (1) 6:9 Jaime (1) 113:10 James (4) 6:2;63:8,9;64:18 Jimmy (1) 64:18 job (63) 17:1,8,9,10,11; 21:6;22:8,23;23:19; 24:3;25:7;26:3,5,7, 14,15,24;37:13,15, 17;38:23,25;43:1; 48:10,12;49:7;76:8; 77:5;83:3,9,13,22,23, 25;88:3;89:22,22,25; 90:2,2,11,11;91:8,15; 92:7;100:13;105:25, 25;107:4;108:20,24; 109:11,16;110:24; 111:22;112:14,24; 113:3;118:12; 120:15;129:1,5,14 jobs (30) 18:9,12,13;22:10; 23:6;25:22;30:16; 32:2;34:11,15;35:5, 20;42:6,12;44:20; 51:1,16;54:19;76:13; 77:16;78:1,9,9,24,25; 79:3;83:6;90:23; 91:24;100:16 Joe (2) 37:8;62:20 John (5) 24:3;66:10;104:13; 117:4,5 join (11) 7:6;25:18;29:9; 32:15;50:1;55:21; 66:19;70:13;74:1; 76:5;129:7 joined (2) 7:8;111:20 Joseph (1) 6:11 journal (3) 33:18;47:3;78:7 Jr (4) 9:16;13:1,2,12 Judge (3) 58:7;61:11,17 June (5) 45:23;46:5,9;57:7, 9 Juneau (1) 47:24 K	Karn (5) 12:13,14;21:25; 43:5,24 Karns (1) 43:5 keep (9) 10:4;24:24;33:18; 47:2;58:25;59:2; 103:15;112:14,16 Kenneth (2) 12:13;21:25 kept (2) 78:7;92:25 Kewaunee (6) 98:8,17,22;99:7; 131:5,10 kind (2) 73:20;88:25 kinds (5) 47:2;81:24;91:11, 20;108:11 knees (1) 82:2 knew (8) 17:8;24:4;40:12; 48:23;80:19;83:24; 105:13;133:3 knowing (1) 23:5 knowledge (6) 75:18;120:3;123:3; 127:14;128:5;132:21 knowledgeable (3) 76:16;105:8,12 knows (1) 76:19 Krutz (1) 6:7
I				L
idea (26) 15:19;20:11;30:17, 21,25;36:18;39:13, 24;41:24;42:10; 46:17;47:3;59:7; 72:23;79:4,9;92:9,11, 13,15,17,19;94:10; 117:11,24;122:22 identification (2) 103:22;119:20 identified (1) 128:25 identify (2) 109:3;110:16 illegal (1) 72:5 Illinois (3) 13:10;56:19;57:12 imagine (1) 20:19 implementation (1) 71:5 important (2) 44:24;45:2 importantly (1) 57:22				lack (3) 98:12;99:10;100:8 LaCrosse (1) 46:25 Ladish (8) 37:23;38:20,21,22, 23;86:20;92:16; 94:13 Lakeside (5) 34:23;35:6;86:19; 92:18;94:6 Lamar (1) 6:9 large (2) 41:22;114:21 larger (4) 39:3;40:11;41:18, 20 largest (1) 40:22 last (12) 7:17;8:8,23,25; 24:8,20;37:9;49:17; 56:11,12;97:16;

120:10 late (6) 6:22;37:12;61:22; 72:25;80:21;82:10 later (7) 29:19,21;30:12; 78:19;101:22;115:5; 119:8 Laura (4) 46:7;61:15;120:24; 125:9 Law (6) 8:2,4;55:23;59:4, 22:75:10 lawsuit (1) 119:24 lawyer (2) 58:16,18 lawyers (2) 58:13;59:21 laying (1) 15:14 lead (1) 64:24 learned (1) 44:25 least (4) 17:25;60:16;75:8; 79:14 led (1) 130:24 left (3) 8:7;105:2;122:21 legal (2) 69:6;72:12 LeRoy (1) 70:1 Less (4) 34:8,9;121:12,14 level (1) 43:7 life (1) 33:18 limit (1) 81:15 limitations (1) 82:6 limited (3) 7:23;61:13;70:12 line (6) 25:15;32:17;52:15; 54:13;91:16,17 list (9) 22:23;25:8,16,17; 58:24;76:13;112:14; 129:1,5 listed (6) 62:4;73:15;74:15, 21;120:15;129:15 Little (2) 8:16;121:15 live (1) 8:21 lived (1) 8:19	living (1) 37:20 Local (41) 9:22,24;10:5,14; 11:14;20:14;25:11, 21;28:24;29:1,13; 33:24;34:4,11;37:21; 39:10,21;45:11; 46:21;48:2,18;49:8, 12;62:11;70:19; 71:23;73:2,12,23; 78:14,20;100:15; 101:3,19;121:6,9,24; 122:3,15;123:12,18 located (4) 28:21;47:22; 102:17,19 location (9) 28:8,9,19;45:9; 47:10,13;60:24;61:2; 62:3 locations (1) 122:21 Locker (14) 24:1,3,10,15,18; 44:12;104:13,15,17, 23;105:2,5,14;106:3 long (13) 8:19;10:4;11:5; 17:3;37:15,17;46:15; 48:12;120:24;121:8, 11,15;127:23 longer (6) 10:16;107:5,7,15, 19;131:23 look (3) 26:24;112:20; 128:8 looked (1) 110:1 looking (7) 84:2;107:16,21; 108:18;109:2; 111:25;112:12 Lord (2) 42:6;117:8 LORINGER (6) 73:16,25;74:5,11; 98:19;99:2 lot (4) 72:6;87:19;108:22, 24 loud (1) 14:22 Lukin (7) 12:15,22,23,24; 13:5,7,13	Magnesium (3) 130:21,22;131:4 Mailing (1) 8:17 maintenance (1) 132:15 making (2) 42:18;114:15 MALONEY (10) 119:17,22,23; 120:17;128:22; 129:11,17;132:16,19; 133:7 man (4) 24:6;33:12;42:6; 93:16 manager (1) 12:3 managers (1) 27:4 Mansfield (1) 6:12 manufactured (1) 120:13 manufacturer (5) 107:8,16,20; 109:17;110:2 manufacturers (1) 96:21 many (16) 6:23;12:2;22:7; 39:10,21,21,23; 75:10;78:6,10;79:3; 84:3;88:12;100:20; 108:11,15 mark (1) 119:18 marked (5) 103:21,24;119:19; 120:8,9 Marsh (1) 8:16 mastic (2) 96:18;109:24 material (16) 22:23;33:21;51:5, 7,15,17,19;52:7,25; 54:5,13;83:24;93:15; 116:3;127:13,15 materials (34) 22:9,13,15,20;23:1, 2,5,6;36:1,8;46:12; 51:3,12;52:8;82:24; 83:2;85:6;86:13,22; 87:6,23,23;88:20,24, 25;89:10;90:6,25,25; 92:3,25;93:8;96:21; 124:6 matter (2) 34:9;61:11 matters (2) 75:10;88:6 may (21) 35:19;36:13;46:19; 50:5;54:19;60:14;	61:24;68:20;73:22; 79:19;80:2;83:2; 98:5;118:2;120:11, 12;121:1,15;125:15; 126:4;133:4 maybe (6) 40:8;44:23;67:4; 101:22;109:20; 123:16 MC (186) 7:9,13,15,24;8:12; 12:21;14:1,7,24;15:6, 12,16,21;16:17;17:4, 19;18:6;19:2,10,20, 23;20:21;21:19; 22:24;23:15,20; 25:19;26:12;27:11; 28:5,16;29:12,18; 30:3,9;31:7,17;32:11, 18;34:16;35:2,11,25; 36:6;38:4,10,17; 39:9;40:6,19;41:5, 15;42:8,17,23;43:14; 44:7,14,21;45:4,8; 46:6;47:4,15,21;48:4, 9,17;49:1,6,15;50:6, 14;51:14;53:8,12,17, 22;54:2,10,20,24; 55:1,7,12,17,22; 56:10;57:4,11,18; 58:4,23;59:13;60:6, 20;61:4,10,15,23; 62:8,19,25;63:14,22; 64:3,12;65:1,6,9,20; 66:25;67:6,19;68:24; 69:8,22;70:18;71:1, 13,20;72:9,18;73:8, 17;74:2,12,16,19,23; 75:3,9,14;76:6,21,24; 77:14,25;78:12; 79:10,20,25;80:10, 16;81:4,11;82:3,15; 83:15,20;84:5,16,24; 85:14,21;86:1;87:3, 12,17;88:4;89:24; 90:22;91:7,18;93:6, 18,22;95:6,21;96:7; 98:6,15,24;99:6,14; 100:4,10;101:1,13; 102:8;103:12,23; 110:22;131:18,20; 132:2 McCoy (5) 57:20;62:2;104:12; 109:10;110:5 McLaughlin (1) 6:3 mean (28) 14:6,11;21:7;26:2, 6;27:13;37:6;38:12; 40:8,23;44:6,8,22; 52:1,4;53:19;54:21; 59:9;69:23;75:23; 82:4;90:18;99:25; 101:15;105:17;	113:18;117:21;119:1 Meaning (6) 13:17;37:12;40:20; 59:22;102:20;122:23 means (2) 45:1;120:5 meant (4) 36:21;80:1;95:4; 131:4 measures (1) 70:21 Mechanical (1) 68:11 meet (2) 55:18,23 meetings (1) 21:8 member (26) 9:22,24;20:14,19; 25:11;28:24;29:2,13; 34:4,11;45:11;46:21; 48:1,18;49:8,12; 62:11;73:12,23; 78:14;121:6,9,24; 122:3;123:12,18 members (5) 39:10,21;43:25; 73:2;118:12 membership (3) 10:5,13,13 memory (5) 57:10;109:1; 112:20,24;113:3 mentioned (2) 130:18;131:6 met (2) 104:9;110:14 Michigan (1) 11:15 mid (2) 80:23;85:1 might (16) 11:13;26:23,24; 42:6;52:16,16;67:4; 84:5;92:4;93:14; 99:18;106:3;109:24, 25;117:10;132:6 Mike (1) 120:21 Miller (64) 28:8,17;29:3,14, 20;30:11,16,20;31:3, 8,10,11,19;32:1,7,12, 19,23;33:4,7,10,22; 62:20;63:1,10;64:17; 65:13;66:5,21;70:5,6, 10;85:7;87:4;89:9, 18;90:2;92:8;94:20; 97:21;113:11,17; 114:9,19,21,25; 115:17,25;116:1,6, 11,17,21;117:2,21, 24;118:1,6,11,18,21; 119:1;132:8,13 Milwaukee (12)
--	---	--	--	--

28:8;47:16,23; 60:2;70:10;77:18; 119:24;120:6,13; 129:13;132:7,13 mind (2) 34:19;61:22 mine (1) 39:7 minimum (1) 26:5 Minnesota (1) 47:1 minute (4) 9:2;59:15;66:9; 129:22 minutes (4) 6:22;75:7;82:9; 84:6 mischaracterization (1) 57:20 mischaracterizing (1) 32:10 Miss (1) 8:1 Mississippi (1) 6:9 misstatement (1) 111:17 misstates (1) 95:17 moment (3) 14:23;58:9;62:10 Monroe (1) 6:12 month (3) 11:5;37:19;121:14 monthly (1) 20:14 months (6) 11:6;34:9;48:16; 121:12,17;122:4 more (15) 34:20;47:10,11,12; 49:7,9;57:22;61:24; 79:5;84:1,6;91:22; 105:15;121:15; 131:18 morning (1) 104:9 most (8) 29:3;32:12;40:25; 42:1;49:11;76:16; 105:8,11 Mostly (3) 17:12;32:21;53:6 motions (1) 61:16 move (7) 45:6;58:9;60:22; 74:19;75:2,15;76:2 moving (1) 87:12 much (10) 14:13;29:21;30:12, 12;34:3,9;38:3;84:1;	86:4;119:16 multiple (4) 21:12;22:19;62:22; 91:13 must (1) 21:7 myself (2) 35:15;104:8 N name (31) 7:16,17;8:8;12:8, 16,18,20;24:6;37:8,9; 49:17;63:4,4;64:16; 88:16;96:15;97:1,4; 98:11;99:5;104:7; 113:10;118:22; 119:23;120:21; 123:12,18;124:8; 126:20,21;131:3 named (3) 62:20;104:13; 110:11 names (5) 24:8;51:22;52:6, 23;98:7 nature (1) 90:19 Naumann (3) 24:6,7,12 N-a-u-m-a-n-n (1) 24:9 near (2) 34:7;67:18 necessarily (2) 105:11,12 need (7) 26:14;47:8;59:15; 75:5,17;81:4;82:7 needed (9) 17:6;22:9,14;26:7; 39:14;40:1,5;42:16; 83:24 needing (1) 33:10 negotiating (1) 118:17 new (4) 21:20,22;38:23; 114:3 next (1) 12:24 nice (1) 60:25 Nobody (1) 101:7 None (4) 16:9,10;25:3;107:1 Norbert (2) 12:15,23 North (3) 6:4;13:17;14:3 Northwestern (1) 11:13	noted (1) 58:8 notes (1) 128:8 notice (6) 61:1;62:2,5; 103:25;104:1,2 noticed (1) 25:9 Nowhere (1) 34:7 Nuclear (6) 67:7,11,14,20; 68:2;76:8 number (5) 6:21;103:24;108:3, 14;119:19 Numbers (2) 103:21;106:4 O Oak (29) 14:25;15:17,25; 16:12,18;17:14,25; 18:9,12;33:25,25; 34:4,18,21;36:1,14, 16,20;46:16;86:19; 88:9;92:20;93:7,10; 94:3;96:24;97:7,12, 15 oath (1) 6:16 object (30) 25:14;35:22;41:8; 44:2;48:13;49:14,25; 55:4,25;56:17;62:14; 64:2,5;65:7,14; 66:16;67:15;68:17; 69:14;72:13;80:13; 81:17;83:12;85:16; 90:19;93:9;95:18; 99:10;100:8;129:4 objected (1) 45:1 objecting (1) 58:3 objection (103) 7:9;13:20,22;15:3, 7,8,12;16:15,22; 17:16;18:1;20:16; 21:11;22:18;23:7; 26:9;27:7;28:1,13; 29:4,15,23;31:4;32:9, 13;34:13;35:7;36:2; 37:25;38:7,14;39:5; 40:3,14;41:3,4,7; 42:3,14;43:8;44:16; 46:4,23;47:14,18; 48:3,20;50:9;53:5; 54:16;55:20;57:21; 60:16;62:22;63:11, 19;64:22,23;67:1; 69:3;70:9,23;73:3,13, 25;74:5,6;75:6,23,25;	76:2,15;77:21;78:3; 79:7,13;84:20;85:10, 11;87:8,9,24;89:19; 91:1,12;93:2;95:2, 16;96:1;98:2,9,20; 99:2;101:5;102:3; 103:6;106:20;107:9; 108:5;109:4;110:22; 113:20;117:18 objections (12) 7:4;14:4;15:20; 19:5;44:13,23;65:2, 4;75:20;87:13; 107:22;118:13 obtain (1) 82:23 Obviously (6) 33:14;40:16;79:2; 82:17;94:25;105:13 occasions (2) 11:8,9 off (3) 8:7;78:7;92:8 office (20) 13:15,18;14:3,6,10, 15;26:19,23;43:13, 25;44:6,10;58:1; 62:4;89:3,4;90:14; 102:13,21;105:1 offices (1) 24:21 official (1) 100:21 often (7) 63:10,11,13;83:4; 119:1,1,2 old (1) 81:21 Once (4) 11:16;35:9,12; 54:12 One (51) 6:4;11:14;12:2,24; 15:2,22;17:25;19:4; 24:4,10;28:18;29:22; 31:3;35:19;40:5; 41:6,18,20;42:6; 43:1;45:16;47:10,12; 49:7,8;52:1;58:25; 59:2;64:1;66:10; 67:4,21;83:23;99:20; 101:21,22;102:21; 107:24;109:7;114:4; 117:4;118:11;119:3; 122:17;123:3;126:1; 127:8,14;130:18; 131:18;132:21 ones (3) 41:20;53:23;59:21 ongoing (2) 42:12;61:18 only (12) 7:3;24:4;28:18; 32:6;62:4,6;68:19; 70:10;76:18;112:19;	116:9;128:1 onsite (1) 114:25 on-the-job (3) 100:20,23;101:8 operating (1) 111:10 operation (1) 14:14 opinion (2) 40:5;105:9 opposed (2) 83:10,21 option (1) 132:4 oral (2) 17:12,12 orally (1) 53:6 order (5) 51:1;83:2,8,24; 91:22 original (7) 16:7,9,12;45:14, 18;97:12;107:6 OSHA (15) 20:7,10;21:3; 70:25;71:11;72:7; 86:2,14,23;87:6; 88:21;89:10;95:25; 99:17;102:10 out (26) 8:9;11:14;13:15; 14:3,10,22;15:10; 20:8,20;22:13;27:4, 23;28:6;37:17;45:24; 46:2,2;61:9;70:25; 72:7;77:16;82:4; 102:10;107:18; 112:8;128:10 outside (15) 59:8;64:6;65:17; 66:23;69:15;72:1; 73:13;74:7;83:13; 84:21;88:3;102:3; 103:7;106:21;112:5 over (9) 20:11;57:14;72:11; 78:9,10;81:21; 103:17;121:17;128:8 overbroad (2) 73:16;112:4 overly (2) 87:25;96:2 Owens (1) 56:19 Owens-Illinois (4) 57:12,15,17;104:8 own (5) 14:14,14;112:24; 113:2;116:10 P Pabst (41)
---	---	--	--	---

47:9,22;48:2,12; 49:2,8,11,23;50:8; 62:9,13;77:18,19; 78:4;79:12,22,24; 87:4;90:10,15;92:10; 94:20;97:21;121:3,4; 122:3,4,7,11;123:11, 16,17,23,24;124:1, 17,24;125:1;126:17, 18;128:13 packaging (1) 107:6 page (2) 6:25;7:2 PAGEL (7) 15:5,8;16:15;45:6; 51:10;53:5,11 paid (2) 59:23;124:4 paperwork (2) 82:23;83:1 Pardon (4) 13:21;52:11; 102:16,24 part (6) 10:12;25:16;65:1; 71:15;100:13;102:19 particular (14) 9:13;10:12;26:24; 33:21;42:25;53:3; 63:25;66:2;83:3,9; 89:13,22;101:23; 102:19 PARTRIDGE (9) 6:6,6;98:12,20; 99:10;100:8;129:19, 21;131:12 passed (1) 108:22 past (1) 75:9 pause (2) 84:15;128:12 pay (2) 115:15,15 paychecks (1) 115:9 pending (2) 61:17;80:8 Pennsylvania (1) 6:4 people (30) 22:6,7,8;26:13,16, 17,21,23;27:9,12; 31:20;43:18,24;44:6; 66:2,4,11;67:3; 71:23;84:3,4;88:13; 101:3,19;103:16; 117:21,24;118:24; 126:25;129:18 Peoria (2) 13:10,15 percent (3) 85:6,7;133:6 percentage (3)	86:12,21;130:25 perform (2) 116:18,22 performed (1) 129:14 performing (1) 108:16 perhaps (2) 130:4,13 period (11) 10:22;11:10;20:4, 7;23:25;38:16;77:2, 13;95:25;119:5; 121:8 periodically (1) 83:6 periods (1) 37:15 Perry (1) 6:7 person (17) 17:25;18:5;21:23; 23:19,22;29:2,14,22; 30:13;35:21;49:16; 50:7;56:3;65:12; 76:16;88:9;105:8 personally (2) 76:12;115:1 personnel (5) 16:21;17:7;25:21; 27:2;91:23 persons (2) 21:23;100:15 perspective (1) 75:24 pertained (1) 83:25 phase (1) 47:8 phone (1) 129:18 phonetic (2) 70:1;126:22 Physical (2) 8:16;32:19 physically (2) 35:13,14 pick (1) 64:4 picked (1) 64:11 picking (3) 64:16,20;65:11 pin (1) 69:16 pipe (33) 25:12,21;33:2,7; 36:12;54:14;88:25; 95:4;103:4;106:13; 107:18,18,20;109:20; 116:3,7,8,9,10; 121:19,23;122:7,11; 123:13,13;124:9,12, 18;126:7,11,18; 127:19,24	pipeline (6) 32:21,24;89:1; 109:19,22;110:2 pipelines (2) 32:12;89:13 pipes (3) 33:14;36:9;79:1 piping (6) 38:23,25;51:4; 95:5;127:12;128:15 place (9) 21:8;26:20;50:7; 67:18;71:15;72:11; 78:11;84:19;88:8 placed (2) 120:5,13 places (2) 46:22;122:17 plaintiff (4) 65:16;66:17;81:1; 93:10 plaintiff's (6) 6:20;7:1;55:14; 56:18;61:1;82:8 Plant (12) 34:18,18;46:25; 67:7,11,14,20,23,25; 68:2;76:9;94:17 please (7) 12:17;26:20;29:11; 75:4;80:4;119:25; 129:24 plumber (1) 26:4 Plumbing (4) 68:12,25;69:1;92:6 plural (1) 55:20 pm (1) 133:12 PMK (2) 77:7;103:7 PO (1) 8:17 point (8) 32:4;38:18;53:10; 60:15,17,19;75:16; 117:3 Port (16) 34:18,20;37:4,11, 14,17;45:10,24;46:2, 3,10,13,15;86:20; 92:14;94:17 portions (1) 87:5 position (13) 9:11,20;12:4; 21:21,22;22:2;37:1; 57:15,16;58:5,8; 61:12;111:21 positions (2) 11:21,25 possession (1) 56:19 possible (5)	97:18,18;124:25; 132:14,20 Power (27) 34:18,18,23;35:6; 40:17;45:10;46:16, 20;47:1;48:8,10,12; 67:7,11,14,20;68:2; 76:8;86:19,19;88:9; 92:18,20;93:7;94:3,6, 17 Powerhouse (12) 15:18,25;16:13,19; 17:15,25;18:10;34:1, 4;97:13,19,24 powerhouses (1) 97:22 practices (2) 18:21;19:16 preceded (1) 24:5 preclude (1) 82:19 predates (1) 93:10 premises (2) 35:13,17 preparation (1) 55:3 prepared (5) 53:1,2;89:6,7; 91:10 preparing (2) 82:23;83:1 present (2) 120:15;130:4 presentations (1) 20:24 presently (1) 8:13 president (4) 9:12;12:1;84:25; 85:3 pretty (3) 14:13,13;57:19 previous (1) 90:20 primary (1) 23:22 principle (1) 69:12 prior (2) 32:10;78:17 privileged (1) 55:5 probable (1) 100:12 Probably (24) 8:20;20:20;24:22; 26:21;33:15;39:1; 42:25;45:1;48:15; 58:18;71:3;72:25; 82:8;84:10;99:20; 102:7;107:24;109:7, 14,18;111:17;117:8; 121:13;127:12	problem (5) 6:25;20:3;27:25; 65:1;67:5 problems (1) 81:24 procedures (2) 18:21;74:3 process (1) 22:16 produce (3) 57:23,24;58:2 produced (1) 129:2 producing (2) 7:3;114:10 product (13) 106:9,25;107:4,5; 108:20;109:15; 129:24,25;130:5,16, 18,23;131:1 production (1) 56:22 products (17) 94:3;105:9,16; 107:2;108:3,15; 109:3,10;110:3; 113:3;114:10,16; 117:15;118:2;120:4, 11;130:10 program (4) 100:22,22;101:2,7 project (3) 12:3;27:4;113:14 projects (4) 16:18;41:25;48:1; 114:5 protections (1) 71:6 protective (1) 70:21 protocol (4) 6:21;7:5,7,10 provide (7) 82:6;85:17;100:14; 112:23,23;113:1,2 provided (3) 7:1;103:4;116:7 providing (4) 84:18;91:23;116:2, 11 publication (1) 20:15 published (2) 20:23,24 purchased (2) 105:9,16 purchases (2) 106:1,4 purchasing (4) 23:21,23;24:13; 105:5 purpose (2) 7:23;95:9 pursuant (1) 18:16
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pursuing (1) 75:21 put (15) 6:19;20:19;21:8; 79:21,22,24;99:20; 109:20,21,22;112:8; 122:11,20;128:15; 132:22 putting (2) 121:23;127:23	73:7;89:17;104:15, 17,23;105:2;106:9; 110:7;111:25; 112:20;113:17; 114:3;118:20;119:5; 123:12,18;124:8,17; 130:15,19 recalled (1) 113:13 received (4) 56:22;57:23;58:1; 93:23 recess (2) 54:25;103:20 recollection (25) 9:5,25;10:8,10,25; 16:14;20:22;29:17; 32:6;33:16,20;35:10, 24;36:15;40:7,10; 50:12,22;62:17; 77:24;78:1;121:11; 125:12,15;126:4 record (10) 6:14,19;25:17; 53:9;57:22;58:5; 103:23,24;128:25; 129:24 refer (1) 25:17 referred (2) 12:2;15:14 referring (3) 15:15;20:7;52:20 refresh (1) 112:23 refreshing (1) 113:2 regard (1) 131:5 regarding (5) 76:17;81:1;120:3; 128:14;132:12 regular (1) 63:25 regulation (1) 95:25 regulations (4) 10:16;20:8,10;21:3 REJANO (3) 6:11,11;12:16 r-e-j-a-n-o (1) 6:11 relate (1) 65:15 relevance (2) 74:9,13 relevant (8) 56:21;59:11;62:6; 64:25;68:20;69:16; 81:2;93:11 remained (1) 127:24 remember (76) 8:7;11:15;13:6,13; 14:19,22,23;15:23;	17:3,23;19:1;21:2; 30:10,18,25;31:2,20, 25;33:10,13,22; 34:12;35:5,9,12,15; 36:25;37:1;38:20,21, 22;39:3;40:16;41:2; 48:11,15,23,24,25; 49:5;50:13;58:20,22; 59:24;60:8,9;66:10; 67:3,18;70:3,4;78:24, 25,25;80:22;93:16; 96:8,9,9,13;97:3,8; 99:5;102:11;109:11, 13;112:8;114:20; 117:6;123:23; 124:14,20,21;125:24, 24;131:3 remembered (1) 117:4 removal (3) 32:2;71:14,19 remove (3) 107:14;123:6; 128:2 removed (2) 122:24;128:5 repeat (6) 12:16,18;18:11; 23:14;29:11;85:20 repeated (1) 89:11 repeating (1) 54:1 rephrase (2) 20:12;97:10 replacing (1) 21:20 reporting (5) 9:15;12:5,25;13:5, 11 represent (6) 6:3;7:22;59:22; 104:7;119:24;121:3 representation (1) 129:8 represented (2) 8:1;87:15 representing (1) 6:13 represents (1) 59:5 request (1) 58:2 requested (1) 56:19 requests (2) 57:23,24 require (1) 26:5 rescheduled (1) 75:10 reserve (1) 81:6 resolving (1) 61:11	respect (4) 7:4;61:5;71:7; 99:24 respective (1) 118:5 respirators (1) 112:8 response (1) 57:24 responsibilities (1) 25:1 rest (1) 84:7 restroom (1) 54:23 retired (5) 8:13;9:2,10;13:13; 24:23 retirement (1) 11:18 review (2) 132:4;133:9 Richard (2) 30:14,14 right (89) 11:1;14:8,10;16:4, 13;18:7;19:24;25:2, 24;28:9;31:1,24; 33:5,6;34:1,19;36:7; 38:5;41:6,14,19; 43:4;44:1;45:9,24, 25;46:3,10;47:5; 52:3,16;53:18;54:6; 56:17;59:14,25; 60:13,22;61:4;62:9; 63:9;64:13,19;67:8, 20,21;68:4;69:2; 75:14,16;76:6;81:7, 9;83:21;86:11,17; 87:12,18;90:2;91:10, 24;94:4,5,7,12,13; 97:19,22;99:25; 101:14;102:10; 103:13;104:10; 106:6;108:14; 109:15;111:7; 114:10;115:20; 118:12,19;120:2; 122:8;124:24;128:3, 17;131:5,12;132:3 rights (1) 75:20 Road (2) 8:16;82:7 role (8) 16:11;22:25;49:22; 69:11;71:4;82:23,25; 92:24 room (1) 84:4 roughly (2) 10:24;37:18 rules (1) 74:25 rumors (5)	72:11,19,22;73:2,4 run (1) 92:7 running (1) 14:15 Ruttinger (1) 70:1 Ryan (1) 119:23
Q				S
qualified (1) 65:23 quantities (1) 106:4 quibbling (1) 87:17 quick (2) 92:8;121:4 quickly (2) 103:16;128:9 quite (4) 13:25;16:25;48:22; 129:10				safety (11) 18:20;19:3,16; 20:1;70:21;71:6; 84:18;87:23;102:1; 103:5;112:2 Same (26) 14:4;15:20;29:15; 42:13;44:13;59:4,21; 69:3;73:25;86:11; 87:4;89:11;94:20; 95:9;96:11;98:20; 107:22;111:22; 118:13;122:2; 123:16;124:19; 126:14,17,19;127:19 save (1) 10:10 saw (3) 90:12;99:23; 128:13 saying (20) 7:11;26:20;33:3; 34:5;40:7,9;57:12; 61:20,23;67:23;68:7; 72:4;75:24;76:11; 77:7;88:5;92:23; 94:2;119:25;122:14 Schlitz (28) 78:13,16,24;79:3, 21;80:1,12,15;86:12, 17;92:12;94:20; 97:21;121:4,5,9; 124:8;125:13,14,21; 126:2,8,12,25;127:2, 11,19;128:14 school (3) 19:21;74:7;101:21 schools (3) 73:10,15,21 SCHUETT (193) 6:18;7:22;8:1,11; 12:18;13:20,22;14:4, 16,20;15:20;16:22; 17:16;18:1,23;19:5,8, 17,22;20:16;21:11, 14;22:18;23:7,11; 25:18;26:9;27:7; 28:1,13;29:4,7,15; 30:5;31:4,13;32:13; 34:13,24;35:7;36:2; 37:25;38:7,14;39:5; 40:3,14;41:3,7,9,11, 14;42:3,14,20;43:8,
R				
RALPH (2) 6:15;7:18 ran (1) 14:14 ranges (1) 95:10 Rapid (1) 6:3 rare (1) 83:5 rate (1) 115:14 rather (1) 118:6 rattle (1) 78:6 read (5) 23:15,17;85:21,22; 132:3 ready (2) 26:1;69:19 real (1) 92:8 really (10) 16:25;19:19;50:25; 59:10;61:18;75:5; 90:7;107:3;121:18; 128:8 realm (1) 90:8 reason (4) 10:13;60:18;66:1; 85:2 reasonably (1) 64:24 recall (20)				

11:44:2,13;45:3,5; 46:4,23;47:14,18; 48:20;50:1,3,9;51:9; 53:7,21,24;54:7,16, 22;55:4,14,21;56:2,6, 24;57:1,7;58:21; 59:8;60:3,16;61:3,5, 12;62:2,22;63:11,19; 64:5,9,23;65:5,8,14, 19;66:16,20;67:15; 68:17;69:3,6,14;70:9, 14,23;71:7,16,25; 72:12;73:3,13;74:1,6, 14,20;75:2,7,12;76:5, 15,22;77:6;79:6,17; 80:24;81:9,17,21,25; 82:8;83:12,17;84:1,7, 11,13,20;85:10,12; 86:24;87:24;89:19; 91:1,4,12;93:2,9,17, 21;95:16;96:1;99:24; 100:17;101:5,9; 102:3;103:6,15,18; 105:17;106:20; 107:9,22;108:5,9; 109:4;110:25;111:3; 112:4;113:20;115:1; 117:18;118:7,13; 121:1;125:6;129:7, 18;131:15,17;132:3, 8,10,17;133:8,11 scope (21) 17:8,9,11,14; 19:14;59:8;61:6; 64:6;65:17;68:18; 69:15;72:1;73:13; 74:7;83:13;84:21; 88:1;102:3;103:7; 106:21;112:5 season (1) 101:23 Second (3) 6:22;75:6;104:1 sectional (1) 99:7 Seddick (6) 63:8,9;64:18,18, 20;65:12 seeing (2) 20:22;118:20 seeking (1) 72:12 Selikoff (2) 20:23;21:3 selling (1) 96:21 send (1) 46:10 Sender (1) 62:21 sense (1) 68:11 sent (1) 46:2 separated (1)	11:4 sequencing (1) 110:19 series (1) 61:16 service (1) 104:2 set (5) 62:3;71:18;90:5; 100:13;116:10 settings (1) 97:24 Settle (1) 62:21 seven (1) 8:20 several (6) 11:7;24:22;66:11; 67:3;81:12;114:23 shared (2) 102:21,21 sheer (1) 109:1 short (6) 11:10;50:5;54:25; 84:15;103:20;128:12 showed (1) 120:8 shutdown (1) 114:7 sic (1) 32:7 side (2) 114:18,18 sign (1) 50:15 signed (1) 50:19 silicate (8) 52:8,16;94:23; 95:1,4;96:11;129:23; 130:19 simply (1) 75:22 sit (6) 108:18;110:7; 112:18;121:22; 122:10;123:5 site (12) 28:18;61:8,8; 66:18;74:15,21; 105:25;106:1;107:4; 108:20;109:16; 110:24 sites (23) 25:7;61:13;62:5; 64:6;71:7;73:15; 76:18;83:14;84:21; 92:7;99:24,25;100:3; 106:21;108:24; 109:11;112:14,24; 113:4;120:15;129:1, 5,15 situation (2) 69:9;90:10	situations (1) 31:1 six (2) 11:5;67:4 size (3) 26:5;42:22;73:11 slight (1) 95:13 slow (2) 65:3;87:11 slows (1) 87:18 smaller (1) 97:25 smooth (1) 91:10 sold (2) 120:4,12 soliloquy (1) 45:7 somebody (14) 12:2;23:4;26:2; 31:15;44:12;49:10; 58:25;59:2;66:5; 102:22,23,25;105:14; 128:4 someone (4) 29:19;30:11;55:23; 85:5 someplace (2) 82:5;100:7 sometime (2) 78:17;80:23 sometimes (3) 50:24;68:15;97:25 somewhat (1) 57:21 somewhere (3) 53:9;58:24;109:13 Sons (1) 8:24 soon (1) 107:5 sorry (16) 14:23;18:11;22:20; 27:7;38:7;43:10; 46:7;47:6;68:3;69:1; 86:7;90:18,20;97:20; 128:23;129:11 sounds (1) 36:18 source (1) 53:3 South (1) 6:8 space (1) 7:18 speak (1) 120:1 speaking (2) 52:2;76:19 specialized (1) 23:4 specialty (1) 116:9	specific (4) 51:12,22;88:16; 108:14 specifically (3) 122:16;125:1,24 specification (3) 51:21;88:19;90:12 specifications (15) 51:5,8,15,17,19; 52:5,19,23,25;53:19; 54:5;89:9,18;90:5; 128:13 specified (3) 22:20;51:3;91:17 specify (1) 94:10 specifying (2) 90:13,24 Speculation (3) 50:2;118:8,9 speculative (1) 117:19 spell (3) 7:17;24:8;37:9 spelling (1) 8:8 spent (1) 121:9 spoken (1) 74:24 Sprinkmann (159) 8:5,24,25;9:10,16, 17;10:17,20;11:5,10, 17,17,21,22,25;13:1, 2,9,12,12,17;14:3,6; 16:19;17:7,24;18:9, 12,22;22:1,11;23:4, 21;24:21;26:13,18, 18;27:2,2;28:12; 29:1,2,13,19;30:7,10; 32:1;33:11;38:5,9; 39:3,11,21,22;40:1, 11,25;41:18;43:18, 19,25;45:22;46:9; 49:10,16,23;50:8; 53:2;59:5,22;60:12; 63:10,24;64:21; 65:12;66:3;67:13,24; 68:7,16;69:1,2,10,24; 70:5,6,19,20;71:22, 24;73:1;76:8,19,23; 77:4,11,12;78:19; 84:18;85:5;86:13,22; 87:6,20;89:4,6; 91:23;92:25;96:22; 98:25;100:6,16; 101:2;102:18;103:2; 104:15,18,19,22; 105:6,10,16;106:4,6, 10;108:2,8;113:13, 14,19;114:5;115:3,8, 11,17,22;116:2,12, 17;121:24;122:20; 123:6,24;124:4,6,23; 125:1,12,18,20;	126:2,14,19;127:4, 11,20,22;128:1; 131:21 Sprinkmann's (2) 105:2;114:4 Square (1) 6:4 Sr (1) 43:19 Standard (2) 118:20,22 standards (1) 71:18 standing (1) 90:5 start (11) 6:18;13:5,11; 15:17;17:20;28:7,7; 45:21;65:6;70:22; 72:22 started (8) 13:6;46:9;78:18, 22;104:18,21,22; 105:1 starting (3) 111:13,18;114:1 state (10) 7:2;28:22,23; 100:21;101:9,12,14, 15,17;102:9 stated (1) 7:10 statement (4) 25:15;76:14;85:9; 129:5 Station (10) 35:6;45:10;46:16; 86:19,19;88:9;92:20; 93:7;94:3,7 stationed (3) 31:18;49:11;63:24 stay (1) 59:14 steamfitter (5) 26:3;126:7,11,18; 127:18 steamfitters (3) 114:19;116:14,16 steamfitting (4) 123:19;124:9,13, 18 sterile (1) 114:12 still (8) 13:23;19:17;29:1; 60:12;61:18;81:16; 108:9;121:6 Stolper (1) 37:8 s-t-o-l-p-e-r (1) 37:10 stopped (1) 80:24 straight (1) 27:23
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Strawbridge (2) 58:7;61:17 stream (1) 120:5 Street (4) 6:4,9;28:22,23 strike (11) 10:23;11:2,4; 20:13;45:6;75:2; 76:2;123:13;125:11; 126:6;127:13 structures (1) 32:19 studies (1) 21:2 subcontractor (2) 68:16;69:11 subcontractors (2) 69:2;117:17 subject (1) 7:4 subpoena (1) 93:25 suggesting (1) 22:25 Suite (2) 6:4,12 super (1) 124:25 superin (1) 16:9 superintended (1) 22:6 superintendent (63) 10:15,17;11:1,16, 20:24;12:4,5,12; 14:12;15:24;16:1,3,4, 10,11,18;17:21; 19:24;21:7,17;22:5; 30:16,20;31:9,10,12; 35:5,18;39:2,12,14, 17,18,23;40:2,12; 42:2;49:24;50:15; 51:2;62:12;64:13; 65:11;66:15;69:12; 71:4;77:19;78:2,23; 79:11;80:11;84:17; 85:25;88:14;90:7,24; 92:1;97:11;102:12; 111:21;131:22,23 superintendents (2) 22:1;25:21 superintending (5) 17:6;26:7,15; 50:24;88:11 supervisor (5) 124:22;125:2,10, 11,22 supplied (1) 120:4 supply (1) 86:4 support (1) 100:14 suppose (2)	74:24;96:5 sure (22) 13:25;17:22;19:1; 22:8;34:10;43:3; 45:16;48:22;54:24; 57:19;80:8;82:10; 97:14,14;103:2,17; 104:25;111:9; 112:11;121:18; 132:7,17 surface (1) 91:9 suspect (1) 70:25 sworn (1) 6:16 systems (6) 69:19;79:1;111:5, 7;117:13;127:12 T talk (10) 18:4;28:4;47:7,9; 59:11;69:18,23; 95:24,24;122:2 talked (3) 43:20;117:2;121:5 talking (35) 18:4;19:14,15; 20:5;26:16;30:1,4,22, 23;32:17,19;35:13, 16,17;39:16;43:10, 13,15,15,17,18;52:4, 6,6,22;61:15;63:6; 66:13,20;71:8,14; 78:4,4;86:2;88:13 Tardy (1) 6:7 telling (4) 53:13;116:17; 118:11;124:1 Tells (1) 57:9 temperature (2) 95:10,12 terms (13) 29:24;41:23;52:2, 5,7;105:25;106:12; 107:4;109:2;112:2, 24;113:2,3 tested (2) 111:5,9 testified (5) 6:17;56:16;59:24; 121:19;122:3 testify (7) 60:7,9;82:5; 108:19;110:11,20; 112:19 testifying (3) 59:25;60:9;93:24 testimony (27) 10:12;15:1,14,15; 32:10;53:13;55:3;	56:11,13,14,20,21; 57:13;58:3,10,14,16, 24;59:21;76:7;81:15; 82:7,20;85:18;93:19; 95:17;105:24 thanks (1) 103:14 thereabouts (1) 39:1 Therefore (2) 55:6;65:16 Thermal (11) 9:14;12:10;33:2,4, 8;106:12;107:2; 108:3;109:15;130:5, 16 thick (1) 91:9 Thickness (3) 52:10,12;91:15 Thicknesses (2) 52:13;91:17 thinking (2) 36:23,23 though (3) 75:17;82:4;90:1 thought (3) 68:3;79:19;85:4 thousand (1) 57:6 threat (1) 61:6 Three (2) 11:7;67:3 tickets (2) 89:22;90:11 timeframe (13) 17:21;52:18;66:12, 13,23;69:16;81:2; 85:24;86:2;121:18; 122:15,16;125:14 timeframes (3) 30:22;125:23; 129:10 timely (1) 92:4 times (2) 69:5;75:10 title (1) 85:3 today (12) 7:20;81:16;95:23; 104:12;105:17,19; 108:18;110:7; 112:19;121:22; 122:10;123:5 today's (2) 55:3;103:25 told (9) 35:19;46:5;47:2; 54:12,13;78:7;81:12, 14;89:12 Tollefson (3) 49:17,17,22 took (7)	50:7;107:18; 111:21;115:18,22,24; 132:5 tools (4) 116:7,10,10,11 top (1) 109:22 total (2) 34:5;84:8 touch (1) 24:24 towards (1) 119:8 trades (1) 103:4 tradesmen (1) 111:8 train (1) 100:13 Trained (1) 19:15 training (13) 19:3;100:14,14,20, 22,22,23;101:2,7,8, 18,19,24 Trane (1) 6:8 transcript (1) 57:25 transcripts (1) 57:24 trial (1) 59:25 true (3) 86:11;87:4;90:23 trustworthy (1) 65:22 trying (6) 14:19,22;27:19; 28:6;46:7;77:3 turbine (2) 36:14;97:17 turned (1) 57:14 Twice (1) 79:14 twine (1) 109:21 two (7) 34:6;37:19;46:20; 57:6;70:8;79:5; 121:17 Two-minute (1) 103:18 type (13) 36:5;52:19;70:20; 88:24,24,25;101:18; 125:17;127:10,13,22; 128:14;130:20 types (4) 23:1;73:20;90:25; 99:1 U 	Uh-hm (2) 56:24;63:15 unable (2) 86:21;87:5 underscore (1) 110:10 understands (1) 112:12 Understood (1) 14:20 union (6) 10:15,16;111:13, 15,20;118:12 unions (1) 118:17 unit (6) 15:22;45:11,15,20; 97:12,16 units (6) 16:4,6,8;96:24; 97:1,7 unless (1) 69:16 Unlike (1) 55:14 unloaded (1) 93:15 unloading (1) 93:8 unnamed (1) 85:18 up (20) 7:25;10:4;11:9; 13:17;14:3;20:24; 22:23;25:25;61:18; 65:3;91:20;98:1; 100:13;111:20; 120:1;128:24;130:4; 132:4,16,17 upsetting (1) 57:21 use (13) 52:5;58:3;70:20; 71:11,12,12;72:5,8; 73:4;87:16;107:4; 109:24;116:7 used (28) 23:2;33:22;36:8; 46:13;51:25;73:10, 20;80:17;88:20; 89:10;94:3,6,11,12, 18,21;95:11;96:17; 108:3,6,8,16,20; 113:3;120:14;130:5, 10,15 using (7) 51:23,25;71:10; 85:5;106:9;112:19; 116:12 usually (9) 17:24;29:3,14,19; 51:6,6,17;63:17;70:6 V
--	--	--	---	---

vacations (2) 115:18,22	70:25	within (2) 58:2;107:2	12,14,20;37:4,11; 40:25;42:1;44:9,15; 46:15;50:17,24;51:2; 59:16;60:15,17; 62:11,12,17;63:10, 13;67:10,14,17,24; 68:7,23,25;70:5; 73:11;77:19;78:13, 16;79:3,11;80:12; 85:7;88:11;91:22; 92:7;93:23;97:11; 98:25;110:17,21; 111:8;112:2;114:7, 25;116:4,14;118:5; 122:4,7;124:24; 125:18,21,21;126:2; 127:10;129:14; 132:15,24	8:20;10:24,25; 31:21;34:6;46:18; 78:18,19;81:12,21; 105:10;130:3
vagaries (2) 72:6,10	Warren (2) 36:20,24	without (2) 15:14;108:14	worked (35) 10:20;14:25;15:9; 22:7;35:14;41:17; 44:11;45:10;46:22, 25,25;48:8;51:8; 61:8,13;62:5;65:16; 66:5,18;73:19;79:2; 93:15;104:23; 108:24;110:8; 112:14,24;114:18; 122:15,16;123:22; 129:2,6,9;131:10	Young (1) 24:6
Vague (55) 14:4,16;16:15,23; 17:16;18:1,23;19:8, 17;21:12;28:2;29:7; 32:14;34:13;35:7; 36:3;37:25;38:14; 39:5;42:4,14,20;44:3, 4;46:23;47:18;51:9; 54:16;64:5;69:15; 71:16,25;73:4,5,16; 78:3;84:21;85:12; 87:25;89:19;90:19; 91:1,13;95:2;96:2; 100:17;101:5;102:4; 107:10;108:9,11; 109:5;110:25; 113:21;129:10	Washington (15) 34:18,20;37:4,11, 14;45:10,24;46:2,3, 10,13,15;86:20; 92:14;94:17	witness (166) 6:15;12:19;13:21, 24;14:5,18,21;16:24; 17:17;18:3,25;19:6, 18;20:18;21:13,15; 22:22;23:10,13,18; 26:10;27:8;28:3,14; 29:5,10,16,25;30:6; 31:5,14;32:16;34:14, 25;35:8,23;36:4; 38:2,8,15;39:6;40:4, 15;42:5,15,21;43:9, 12;44:5,18;46:24; 47:19;48:7,14,21; 49:4;50:4,11;51:11; 53:13,15;54:1,8,18; 55:10,15;56:1,4,8,23, 25;57:2,8,13;60:4; 61:21;62:7,16,23; 63:12,20;64:8,10; 65:18;67:2,16;68:22; 69:4,17;70:15,24; 71:9,17;72:2,15; 73:6;75:13;76:4,17; 77:9,23;78:5;79:8,15, 18,23;80:5,14,24,25; 81:19,23;82:1,10,12; 83:18;84:12,22; 85:17,19,23;87:1,11; 88:2;89:21;91:2,5, 14;93:4,13;95:3,19; 96:3;98:4,10,13,21; 99:3,12;100:2,19; 101:6,11;102:6; 103:10,17;105:18; 106:22;107:11,23; 108:10;109:6;111:2, 4;112:6;113:22; 117:20;118:14; 119:14;125:7; 128:20;131:16; 132:6,9,12;133:10		
vagueness (1) 44:16	Watkins (1) 6:7		working (50) 9:17,20;11:10,11; 15:17;17:7,25;26:13, 18;36:1,9;37:21; 39:10,22;45:12; 49:19,21;69:10; 70:20;80:25;83:11; 93:7;99:5;100:5; 102:23,25;104:15,17, 18,22;113:14,17,18, 19;115:3;117:14; 118:1,25;121:5; 123:11,16,17,22; 124:10,15,19;125:12; 126:25;127:2,4	
value (1) 41:23	WATSON (33) 15:3,13;25:14; 29:23;32:9;41:4,8,10, 13;44:16;55:20; 56:17;57:16,19;61:1; 76:2;84:10;85:16; 95:2,18;104:4,7; 105:20;106:24; 107:13;108:1,7,13; 109:9;110:23;111:6; 112:10;113:6			
VAN (27) 6:15;7:3,18,19,22; 44:24;54:3;55:2; 58:9;61:19;74:24; 75:15,15;80:11;81:5; 103:13;104:5;113:7, 10;119:23;120:21; 126:5,24;128:9,23; 129:13;131:12	way (13) 51:25;70:12; 108:19;110:1,16; 111:23;112:1;123:3; 126:1;127:8,14; 132:21,22			
v-a-n (1) 7:18	ways (1) 6:21		works (1) 55:23	
variation (1) 95:13	week (1) 101:21		Write (1) 83:8	
verification (2) 6:25;7:2	weeks (2) 11:7;24:22		writing (3) 54:6,9;89:17	
Vice (4) 9:12;12:1;84:25; 85:2	welcome (3) 47:7;119:14; 128:20		written (5) 17:12;18:16;20:24; 53:23;83:2	
view (1) 40:25	WEPCO (1) 88:20		wrong (1) 10:19	
violated (1) 6:20	weren't (6) 10:2;11:10;35:20; 71:10;73:7;92:3		Y	
visit (1) 24:23	West (1) 6:12	wondering (1) 57:5	Yay (1) 131:16	
visited (1) 24:20	What's (7) 8:15;15:6;66:1,3; 94:23;120:8,9	Wooden (1) 6:2	year (5) 9:18;30:2;34:6,8; 101:22	
	whatsoever (1) 133:2	word (4) 38:12;51:25;53:16; 73:4	years (12)	
W	Wheeler (2) 96:25;97:3	words (2) 40:8;82:18		
waited (1) 75:7	Whichever (1) 45:20	work (104) 8:25;11:17;13:15; 14:2,9,11;15:24; 16:11;17:14;22:11, 16;25:2,4,20,23,25; 27:1;28:12,24;30:15, 19;31:8,10,11,16; 32:6,7,12,17,21,25; 33:4,5,8,11,12,25,25; 34:23;35:16;36:11,		
walking (1) 81:25	whole (1) 44:3			
Wambach (1) 126:21	who's (2) 27:21,21			
Wandsnider (3) 30:14;31:18;63:18	Whose (3) 12:20;23:22;41:25			
warehouse (2) 83:8;93:1	William (4) 13:1,2,12;43:19			
warnings (1)	wire (2) 99:21;109:21			
	Wisconsin (4) 8:22;40:20;101:15, 17			

1970 (3) 20:6;30:4,5	6 (1) 39:2			
1972 (1) 71:2	601 (2) 25:12,21			
1980s (1) 39:1	601-960-8600 (1) 6:10			
2	60603 (1) 6:13			
2 (2) 103:21,25	60s (1) 80:25			
20 (1) 84:10	65 (3) 17:21;39:2;70:11			
200 (1) 6:8	66 (2) 10:6;17:21			
2003 (3) 9:3;10:21;56:13	68 (2) 97:17,18			
2006 (4) 56:23;57:9;58:10; 93:19	69 (1) 70:11			
211 (1) 6:3	7			
22 (1) 56:13	70s (6) 72:25;80:23; 113:23;114:1;115:6; 119:9			
25 (1) 42:10	72 (1) 102:10			
3	73 (1) 9:2			
3 (6) 119:19;120:10,15; 128:25;129:1,15	75 (2) 42:6,10			
3264 (1) 8:16	8			
3430 (1) 6:12	80 (2) 81:21;85:6			
39201 (1) 6:9	80s (6) 85:1,1;113:24; 115:6;117:8;119:9			
4	85% (1) 131:4			
40 (3) 6:21;75:7;82:9	862 (1) 8:17			
4000 (1) 28:23	9			
40s (1) 37:12	90 (2) 85:6;133:6			
4400 (1) 28:22	90s (1) 117:10			
46204 (1) 6:5				
5				
50 (1) 31:20				
50s (2) 37:12;130:15				
54212 (2) 8:17,18				
55 (1) 6:12				
6				